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PRACTICAL REMARKS,
AND
PRECEDENTS OF PROCEEDINGS
IN
PARLIAMENT;
COMPRISING THE
STANDING ORDERS OF BOTH HOUSES,
TO THE END OF THE YEAR 1801;
RELATIVE TO THE
APPLYING FOR, AND PASSING, BILLS
FOR

Inclosing or Draining Lands; making Turnpike Roads, Navigations, Aqueducts; building Bridges; for the more easy recovery of Small Debts; Paving, &c. Towns; confirming or prolonging the term of Letters Patent; obtaining Divorces; and Bills called Estate Bills: with an Introductory Chapter, containing Practical Directions for soliciting Private Bills in general; and with occasional references to Acts of Parliament, adjudged Cases, &c.

BY CHARLES THOMAS ELLIS,
OF THE INNER TEMPLE.

LEX ET CONSuetudo PARLIAMENTI, AB OMNIBUS EST QUARENDa,
A MULTIS IGNORATA, A FAUCIS COGNITA.

LONDON:

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PREFACE.

THE great spirit which in the present age prevails for agricultural improvements ; for ornamenting cities and towns ; the growing prosperity and increasing wealth and population of this country ; its extended commerce and flourishing manufactures ; are circumstances (among others) which have rendered applications to Parliament for *Private Bills*, so frequently necessary, that it is rather singular, the practical forms and method of proceedings to be observed in order to obtain private Acts of Parliament, have not been collected and published for the use of the Gentlemen of the Law ; and more particularly so, as the practical proceedings of almost all the Courts of Law and Equity, have for a series of years constantly occupied the atten-

tions and engaged the pens of various Gentlemen, whose united and successive labours have met with an uniformly favourable reception from the Profession. What has occasioned this deficiency, it is not the intention or object of the Compiler to investigate; but he is induced to hope that his endeavours to supply it, will not be considered altogether as an useless attempt.

For the better regulating, and for the sake of uniformity in, the proceedings upon Private Bills, each House of Parliament has made certain Standing Orders, which are expected to be strictly adhered to on all occasions, unless a good and sufficient reason can be given why the observance of them should be dispensed with. The wisdom and justice of Parliament, in adopting these rules, and in requiring this strict adherence, will be readily admitted, when it is considered what serious inconveniences were felt by individuals, before public notices

tices were required to be given in the country, of intended applications to Parliament for Bills to inclose and drain lands, and to make canals, &c. At that time of day it too often happened, that persons residing at a distance from their estates, were put to great expence for an inclosure, or had their lands cut through by a canal, almost without any notice at all, or at least with too little to afford them an opportunity of considering the proposition maturely, and of laying their observations upon such Bills before Parliament with effect: But now, a previous notice being required to be given, persons interested, may at their leisure examine into the propriety of, and the advantages to be derived from such Bills, and prepare themselves to offer objections or amendments, as occasions may require*.

* See the Report made on the 15th November 1775, from the Committee appointed to take into consideration the Standing Orders of the House of Commons relating to Private Bills, 35 vol. Com. Journ. 443.

It is the design of the Compiler to collect these Standing Orders, and to point out the forms to be observed previous to the introduction of, and during the pendency of, certain Private Bills in either House, in order to obtain a private Act of Parliament.

The plan adopted in the execution of this design, is to divide the whole into Chapters, one of which is assigned to each Bill; and every Chapter, where it is necessary, is subdivided into distinct heads; and the Standing Orders of either House, that have been made from time to time, to the close of the year 1801, are methodically placed in that Chapter, under the different heads to which they are immediately applicable; and a collection of Precedents in general use, are systematically arranged in an Appendix. In collecting and arranging his subject matter, utility has been the principal aim of the Compiler, know-

knowing that by attending to that point, he should best answer the purposes of Professional Gentlemen, for whose use the Work is chiefly designed. With this view, he has occasionally referred to Acts of Parliament, cases decided in the Courts of Law, on questions that have arisen out of Private Bills, and to books from which further information on each particular subject may be obtained. Besides the Standing Orders peculiar to particular Private Bills (to each of which a particular Chapter is assigned), there are General Standing Orders affecting all Private Bills, as well those that have peculiar orders, as those that have not. To avoid the frequent repetition of the same matter, these General Standing Orders are enumerated in an Introductory Chapter, to which the Reader is requested to refer, on perusing the subsequent Chapters. The enumeration of these General Orders will be attended with practical remarks, by the help of which, the knowledge of

of the proceedings upon every Private Bill will be much facilitated.

The references to the Journals might, in most instances, have been considerably multiplied, had the Compiler thought it necessary: But should the cited Precedents not be satisfactory, the Reader will be pleased to refer to the Indexes of the Journals of the House of Commons, where numerous Precedents under each particular title are collected.

A Collection of the Rules and Forms to be observed in applying for, and passing Bills of Inclosure, &c. published by the present Compiler, having been favourably received by the Profession, and it having been intimated that a larger publication of the same kind, extended to other Private Bills, might be very useful, he has therefore been induced to enlarge his researches; and if it may be supposed that a second edition of

of this Book will ever be called for, the Compiler begs leave to add, that any hints or communications would be thankfully received, from those whose knowledge and experience may enable them to correct the inaccuracies, and supply the omissions, which may be found in this; at the same time he feels persuaded, that the Profession will view the Performance, such as it is, with their wonted candour and liberality.

Inner Temple, 31st December, 1801.

CON-

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ERRATA.

ERRATA.

FOR "ante," *read* "supra," and for "post," *read*
"infra," *passim*.

In p. 176, last line but one, for "you," *read* "your."

PRACTICAL

PRACTICAL REMARKS,

&c. &c.

INTRODUCTORY CHAPTER.

PARLIAMENT being that high court to which recourse is to be had for the making of all laws, private as well as public, it may not be improper briefly to recite from Sir EDWARD COKE, the power and jurisdiction it has in that respect.

It hath sovereign and uncontrollable authority, in the making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding, all laws concerning matters of all possible denominations; this being the place where that absolute despotic power, which must in all governments residé somewhere, is intrusted by the constitution of these kingdoms: And that Parliament will exercise this transcendent power, as far as is consistent with the municipal regulations

of a well-governed and civilized people, for the private and sole benefit of individuals, as well as for the public good and convenience, is fully proved by the Journals of both Houses ; by which it will appear that no bill, supported by reason, justice, and sound policy, was ever preferred to Parliament, that did not finally take effect^a.

The private bills^b here intended to be considered, are, according to the general-received acceptance of that expression, of three descriptions.

1st, Bills in which no clause is inserted, declaring them to be public acts, and of which no judge or jury is bound to take notice, unless the same be specially set forth and pleaded : these are called *private*.

2dly, Such bills as contain a public clause, but only affect one or more individuals ; called *personal*.

3dly, Bills containing a public clause, the operation of which is not confined to persons, but to certain parts and districts of the country ; called *local*.

When it has become necessary to apply to Parliament for a bill within any of the above descrip-

^a 4 Inst. 32, and auth. cited. See also 5th Com. Dig. title "Parliament ;" 1 Blac. Com. 160.

^b I call them *private bills*, because fees must be paid for them by the party for whose benefit they are passed. No fees are paid for passing public general acts.

tions, the first thing to be considered is, to which of the two Houses the primary application is to be made.

This will in a great measure depend upon the nature of the bill, the provisions to be made in it, and the objects to be effected by it.

All bills that may in their consequences affect the right of the peerage^c; bills for the restitution of honours^d, or in blood^e; for reversal of outlawries^f; and bills of judicature; that is, for giving

^c 1 Blac. Com. 168.

^d See the Address to the Queen, for the Duke of Marlborough's Bill, 18 L. J. 181; Marquis of Linsey's Bill, 20 L. J. 86, 2 Hats. 338, 3 Hats. 62.

^e See 14 L. J. 142, Lord Russell's bill; *ibid.* 189, Algernon Sidney's bill; 18 *ibid.* 633, Lord Slanes' bill; 2 Hats. 337, and prece. cited in the next note below. It appears from several instances in the Commons' Journals; which are collected in the General Index, from 18th to 34th vol. under title, "Attainder," that bills for removing disabilities and incapacities arising from attainder, are not considered as comprehended within the resolution entered into by the Lords, on Lord Bophil's bill. See notes on this head, 2 Hats. 337, 3 Hats. 62.

^f See resolution of the Lords on Lord Bophil's and the Earl of Carlingford's bills, 17 L. J. 119. See resolutions passed in 11 L. J. 662-674; Bagott's bill, 18 L. J. 659; Sir Henry Bond's bill, brought from the Commons, 18 *ibid.* 474, laid aside, and a new bill brought in at the Lords, *ibid.* 480, Hats. 2 v. 337.

judgment in a legislative way^a; must, as appears by the precedents cited in the margin, begin with the Lords. On the other hand, whatever doubts may have been formerly entertained upon the subject, it seems now to be the invariable and settled practice, that all bills by which money is authorized to be raised upon his Majesty's subjects, for any purpose, or in any shape whatever; either by collecting tolls, rates, or duties, or by inflicting pecuniary penalties^b and fines for offences; or which may, by construction, be considered as imposing a burthen on the people, must be begun in the House of Commons^c. Of this sort, are bills

^a See proceedings on a bill to reverse a decree of the Court of Requests, Edward *v.* Edwards; and another, 3 L. J. 414, 463; Fisher and Wrenham, *ibid.* 525, 3 Hats. 372, 389, 390.

^b See in the L. J. 17 *v.* 206, and seq. a report from a committee appointed to inspect the records or precedents where bills with penalties have begun in the House of Lords. See also a resolution of the House, 15 *v.* L. J. 637, on this subject.

^c 8 C. J. 311, 435, 602; 25 C. J. 178; 26 C. J. 758; 42 C. J. 723; 3 Hats. 100, 105, 107, 8, 111, 121, 125, 6, 7, 130, 138. Whenever this point has occasioned a conference between the Lords and Commons, the latter have universally contended for, and seem invariably to have maintained this principle, "That all bills of aid and supply, or charge upon the people, should begin with them; and that the Lords cannot commence any proceedings that impose burthens upon the people."—See further, under title "Amendments," post.

for

for inclosing and draining lands, making turnpike-roads, navigations, canals, paving and lighting streets, building bridges, erecting poor-houses, churches, gaols, for uniting parishes, and making parishes distinct, &c.

All other bills, of what kind soever, may have their commencement indifferently in either House. At the same time, it seems but reasonable, that bills which have for their objects the regulations of such matters as fall more immediately under the cognizance of either House of Parliament, should begin in that House, which must, from several circumstances, be more competent to frame the provisions of the bill in such a manner as may be most likely to answer the purposes intended by it^k: And accordingly it has been the usual custom and practice, to begin divorce bills, bills for dissolving marriage, and allowing separate maintenance^l, in the House of Lords. Also bills for enabling persons that have only a limited interest in an estate, and not the fee-simple, as tenants for life, or in tail, to make leases, to raise portions under the trusts of a term, to sell or exchange part of the estate, when it is visibly for the benefit of all parties interested, they being willing and desirous that it should be done; to remove

^k 3 Hats. 63.

^l Countess of Ferrars' bill, 29 L. J. 271, and subsequent proceedings thereupon.

and obviate difficulties in the management of estates, arising from the incapacities of the owners, as in cases of infancy and lunacy; to enable bodies corporate, and ecclesiastical persons, to alien, dispose of, settle, or exchange their lands and possessions; and all bills of a like nature, commonly called Estate bills^m; should commence in the Upper House; unless it be necessary to make provisions therein, that require them to be begun at the Commonsⁿ. Estate bills are always referred to two of the judges, who are to examine and report the state of the facts alledged, to see that all necessary parties consent, and to settle all points of technical propriety; therefore it is one of the first objects of the parties to obtain their approbation, for without it the Lords will not pass the bill. Naturalization^o and Name bills^p, have their beginning as often in one House as in the other, unless the time limited for receiving private petitions at the Commons be elapsed, and then they are begun in the Lords.

^m Lords' Journals, *passim*.

* See 26 C. J. 758, where Lord Ashburnham's estate bill, and 29 C. J. 274, Duke of Bedford's estate bill, sent down from the Lords, were laid aside, and new bills ordered. Vide Mr. Hatsel's remarks upon the contents of these Bills, 3 vol. 126, 7.

^o Lords' and Commons' Journal, *passim*.

^p *Ibid.*

By

INTRODUCTORY CHAPTER.

By attending to the foregoing observations, and the references given to the Journals, it is presumed it may be easily determined in which House it will be proper to begin a bill. I shall therefore consider that point as settled, and now proceed to state the necessary and progressive steps to be taken to introduce the bill.

PETITION.

LORDS' STANDING ORDERS.

“ Die Jovis, 7 Decembris 1699—It is ordered by the Lords Spiritual and Temporal in Parliament assembled, that for the future no private bill shall be brought into this House, until the House be informed of the matters therein contained, by petition to this House for leave to bring in such bill: And that this order be added to the roll of standing orders.”

“ Die Sabbati, 16 Februarii 1705—It is ordered by the Lords Spiritual and Temporal in Parliament assembled, that for the future all parties concerned in the consequences of any private bill, shall sign the petition that desires leave to bring such private bill into this House.”

COMMONS' STANDING ORDERS.

“ On the 26th May 1685—Ordered, that, for the future, no private bill be brought into this House, but upon a petition first presented,

INTRODUCTORY CHAPTER.

sented, truly stating the case; at the peril of the parties preferring the same: And that such petition shall be signed by the parties who are suitors for such bill¹."

" On 24th November 1699—Ordered, that no private bill be brought into this House, but upon a petition, setting forth the suggestions and reasons for the same. On the 15th February 1700, this is declared to be a standing order: And is repeated on the 18th January 1708."—(Not extended to Ireland.)

In compliance with the above standing rules, in order to introduce a bill to either House, a *petition*, truly stating the case, and if to the Lords,

¹ " 14th November 1689—Resolved, that all petitions presented to the House ought to be signed by the petitioners with their own hands, by their names or marks."

" 2d June 1774—Resolved, that it is highly unwarrantable, and a breach of the privilege of this House, for any person to set the name of any other person to any petition to be presented to this House."

See C. J. 12th May 1628; 6th April 1714; 19th October 1722; 3d March 1729; 2d April 1735; 15th February 1750. See also 31st C. J. 558, a committee is directed to inquire, whether an erasure in the prayer of a petition was made previous or subsequent to the signing thereof.

See orders of the House, relating to applications for public money, 15th C. J. 211, 367; 17 v. 417; 18 v. 23; 22 v. 601; 26 v. 384; 34 v. 561, and post.

signed

signed by all parties that are concerned in the consequences of the bill; and if to the Commons, signed by the parties' who are suitors for the bill; must be presented to the House by a Peer or a member¹, for leave to bring in the bill²: And in several cases, which will be noticed hereafter, before a petition can be presented to the House of Commons with effect, public notice is required to be given to all parties concerned, of the intended application to Parliament.

When a petition relating to crown lands is to be offered to the House, it must come recommended by his Majesty, before it can be received; and the Chancellor of the Exchequer, or some other member appointed by his Majesty, will signify, "that his Majesty having been informed of the contents of the petition, gives his consent thereto, and recommends it to the consideration

¹ No person who signs the petition will be an admissible evidence in favour of the bill; therefore the petition should not be signed by any persons whose testimony may be necessary to support it.

² See 10th C.J. 740, resolutions of the House, as to the form in which petitions and bills shall be presented by members.

³ Bills for reversing attainders or outlawries, are presented to the House with the King's allowance written in the margin, without any previous petition for that purpose. See Lord Russell's and Algernon Sidney's bills, mentioned ante. The proceedings peculiar to applications for public money, and for navigation bills, will be noticed in the subsequent chapters, post.

of the House." Petitions of this sort are referred to a committee of the whole House*.

Another thing to be attended to, is the time within which the petition should be presented. At the opening of almost every session, a day is fixed by the House of Commons, after which it will not receive any petition for a private bill, but if, from any particular circumstance, or unavoidable accident, such petition has not been offered within the limited time, a petition, stating the particular reasons why it has not been so offered, and likewise stating the substance of the petition intended to be presented, may be preferred to the House, requesting leave still to present it, though beyond the time limited. Petitions to be heard against a bill, may be presented in any stage of the bill, though the time limited for receiving petitions to bring in private bills, be expired. When founded on facts, that in their nature may be disputed, a petition is, at the *Lords*, referred to two of the judges; (unless it concern lands or heritable subjects in *Scotland*, and then to the Lord President of the Court of Session in *Scotland*, the Lord Justice Clerk, and the Chief Baron of the Court of Exchequer in *Scotland*, or two of them; or unless it concern estates in land, situated in that part of the united kingdom of

* See standing order, 15 C.J. 367; 29 C.J. 758, 533; 30 v. 668; 31 v. 82; 32 v. 694; 33 v. 43, 517, 532, 542.

Great Britain and Ireland called *Ireland*; and then, if the parties desire it, to two judges of the Court of King's-Bench, Common Pleas, or Exchequer, in *Ireland*); and at the *Commons*, when it is intended to impose any toll or duty for effectuating the purposes mentioned in the petition, to a committee of members; to examine the matter thereof, and report the same to the House; and after such report (or otherwise, upon the mere petition) leave may be given to bring in the bill.

PROCEEDINGS

UPON AN ORDER OF REFERENCE TO THE JUDGES.

“ *Die Sabbathi, 16 Februarii 1705*—It is ordered by the Lords Spiritual and Temporal in Parliament assembled, that when a petition for a private bill shall be offered to this House, it shall be referred to two of the judges, who are forthwith to summon all parties before them who may be concerned in the bill; and after hearing all the parties, and perusing the bill, are to report to the House the state of the case, and their opinion thereupon, under their hands, and are to sign the said bill. The same method to be observed as to private bills, that are brought up from the House of Commons before

before the second reading of such bills, by sending a copy of the said bill, signed by the clerk, to the judges."

" Die Mercurii, 18 Decembris 1706.—The House being informed, that upon the reference of petitions for private bills to the judges, pursuant to the standing orders of this House, there arises some difficulty as to the examination upon oath of the persons who are produced before them to prove the fact as to the merits of such bills: It is ordered by the Lords Spiritual and Temporal in Parliament assembled, that upon the reference of any private bill to the judges, as aforesaid, the judges to whom the said bill shall be referred¹, shall send to this House a list or lists of such persons' names as are to be sworn in relation to such bill, and that they shall be thereupon sworn at the bar of this House, in order to be examined by the judges upon such oath, in relation to the bill before them.—Entered per ord. 20th Decembris 1706."

" On the 2d July 1801—Resolved, that the following addition be made to the standing order of the 18th December 1706, No. 103, viz. after the word 'referred,' to insert, 'un-

▼ See the next order.

less

less the same shall be referred to the judges of those parts of the united kingdom called *Scotland* or *Ireland*.'—On the 9th December 1801, this is declared to be a standing order."

"Die Mercurii, 16 Maii 1792—Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that for the future, when a petition for a private bill concerning estates in land or heritable subjects*, situated in that part of *Great Britain* called *Scotland*, shall be offered to this House, it shall be referred to the Lord President of the Court of Session in *Scotland*, the Lord Justice Clerk, and the Chief Baron of the Court of Exchequer in *Scotland*, or any two of them, who are forthwith to summon all parties before them, who may be concerned in the bill; and after hearing all the parties, and perusing the bill, are to report to the House the state of the case, and their opinion thereupon, under their hands, and are to sign the said bill. The same method is to be observed as to private bills concerning estates in land, or heritable subjects, situated in that part of *Great Britain* called *Scotland*, brought from the House of Commons before the second reading of such bills, by sending a copy of the said bill,

* Heritable subjects, signifies the same as real estates signify in *Great Britain*.

signed

signed by the clerk, to the chief judges aforesaid, or any two of them."

"Ordered, That for the future, heirs of entail concerned in the consequences of such private bills as aforesaid, and who reside in that part of *Great Britain* called *Scotland*, may give their consent to the passing of such bills before the Lord President of the Court of Session in *Scotland*, the Lord Justice Clerk, and the Chief Baron of the Court of Exchequer in *Scotland*, or any two of them, and the certificate of the said judges, or of any two of them, by which it shall appear that on a day and at a place to be therein expressed, such person or persons did appear personally before them, and being aware of the interest they may have in such bill, did give his, her, or their consent for him or themselves, and for those for whom, according to the law of *Scotland*, he, she, or they, may be entitled to consent, and did in their presence sign a bill, which bill, together with the said certificate, must be produced; shall be held as sufficient evidence of the consent of such person or persons, before any committee of this House, to whom the consideration of such bill may be referred."

"Ordered, That it be a general instruction to the judges who shall meet to take the consent of heirs of entail concerned in the consequences

sequences of private bills relating to estates in that part of *Great Britain* called *Scotland*, that they take no notice of the consent of any person to the passing of such bill, unless such person appear before them, or that it be made manifest to them by an instrument under the hand of a notary-public, duly executed according to the forms required by the law of *Scotland*, that he or she is not able to attend, and doth consent to the said bill."

" Ordered, That the said orders be made standing orders, and that they be entered on the roll of standing orders, and printed and published, to the end that all persons concerned may the better take notice of the same."

" On the 2d July 1801—Resolved by the Lords Spiritual and Temporal, in the Imperial Parliament assembled, That for the future when a petition for a private bill concerning estates in land, situated in that part of the united kingdom of *Great Britain* and *Ireland* called *Ireland*, shall be offered to this House, it shall be referred, if the parties desire it, to two judges of the Court of King's Bench, Common Pleas, or Exchequer in *Ireland*, who are forthwith to summon all parties before them who may be concerned in the bill; and after hearing all

all the parties, and perusing the bill, are to report to the House the state of the case, and their opinion thereupon, under their hands, and are to sign the said bill. The same method is to be observed as to private bills concerning estates in land, situated in that part of the united kingdom of *Great Britain* and *Ireland* called *Ireland*, brought from the House of Commons, before the second reading of such bills, by sending a copy of the said bill, signed by the clerk, to the chief judges aforesaid, or any two of them."

"RESOLVED,

"That for the future, all persons concerned in the consequences of such private bills as aforesaid, and who reside in that part of the united kingdom of *Great Britain* and *Ireland* called *Ireland*, may give their consent to the passing of such bills before the two judges to whom such bills shall be referred; and the certificate of the said judges, or of any two of them, by which it shall appear, that on a day and at a place to be therein expressed, such person or persons did appear personally before them, and being aware of the interest they may have in such bill, did give his, her, or their consent for him or themselves, and for those for whom, according

ing

ing to law, he, she, or they, may be intitled to consent, and did accept the trust proposed to be vested in him or them by the said bill, and did in their presence sign a bill, (which bill, together with the said certificate, must be produced), shall be held as sufficient evidence of the consent of such person or persons, before any committee of this House to whom the consideration of such bill may be referred."

"RESOLVED,

"That it be a general instruction to the judges who shall meet to take the consent of all persons concerned in the consequences of private bills relating to estates in that part of the united kingdom called *Ireland*, that they take no notice of the consent of any person to the passing of such bill, unless such person appear before them, or that it be made manifest to them by an instrument under the hand of a notary-public, duly executed according to the forms required by law, that he or she is not able to attend, and doth consent to the said bill.—And on the 9th December 1801, these are made standing orders."

In this stage of the business, it will be necessary, if it has not been previously done, to prepare

pare and settle the bill (which must always correspond with the petition), and to make a fair copy of the bill with marginal notes, and a copy of the petition and order of reference, for each of the judges; and it is the usual practice, to prepare a draft of the judge's report, and annex the same with the petition and order to the front of the bill. The proofs that are to be given before the judges, must be now considered; and every person whose testimony will be requisite to support the petition, must attend at the bar of the House of Lords to be sworn, to give evidence before the judges to whom the petition stands referred⁷: For this purpose, the names of the witnesses must be written on a slip of paper, the following title being prefixed, "Witnesses to be sworn (if Quakers, to be affirmed), to give evidence before the judges to whom the petition of —— stands referred," and a certificate thereof must be obtained from the clerk of the Parliaments, at the Parliament-office, and produced before the judges. The signatures to the petition, and the allegations therein contained, must be proved upon oath, by parole evidence, before the judges. All deeds stated in it, must be produced, and

⁷ On 2d July 1801, an Act of Parliament was passed, to authorize the judges of *Scotland* or *Ireland*, to whom petitions for bills respecting lands may be referred by the House of Lords, to examine witnesses on oath.

their

their execution regularly proved by a subscribing witness (unless they be ancient deeds, which may be offered in evidence, without proof of their execution); and all births, baptisms, marriages, and deaths, stated, must be proved by extracts from the registers, duly examined therewith by the witness; and parole testimony must be adduced to prove the identity of persons mentioned in such registers.

In order to shew by what means the production of deeds may be enforced, and the attendance of involuntary witnesses procured, I shall here make a supposition, that one of the deeds stated in the petition, is in the possession of a person who refuses to produce it, and that one of the subscribing witnesses to it will not voluntarily attend to prove the execution of it². When this happens to be the case, which indeed is very rare, a petition, stating that a petition has been presented and referred to the judges, and that such a person is in possession of a deed (describing the nature of it and its date) materially necessary to be produced before the judges, or that he is a subscribing witness to a deed stated in the petition (as the case may be), and refuses to produce such deed before the judges, or to attend them to prove

² See 31 L. J. 590, and the Proceedings upon the Committee of Ferrars' Bill, 29 L. J. 271-299.

the execution of it ; and therefore praying that he may be ordered to produce such deed before the judges, or to attend to prove the execution of it. The person who signs this petition, should attend when it is offered to the House ; and he is generally called to the bar, and sworn, to prove the allegations of it, before the order is granted. An order will be granted, as a matter of course ; a copy of which must be served upon the person whose attendance is required. I apprehend, it requires personal service, to bring the party into contempt in the first instance ; and therefore I shall suppose the person to be denied at his usual place of abode, and a personal service of the order impracticable. In such case, it will be requisite to present another petition, stating the attempt to serve the order, and that the party was denied at his usual place of abode, and that there is reason to suppose he absconds to avoid the service, and that a copy of the order was left for him ; and therefore praying, that leaving another copy of the order at his usual place of residence may be deemed a sufficient service.

Where there are reasons to suspect the party absconds to evade the service of the order, and those reasons appear on the face of the petition, an order is generally made, that leaving a copy of the former order, shall be deemed a good service ; and if the party, upon personal service, or on a copy of the order being left as above described at

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his place of residence, do not attend, the gentleman-usher of the black-rod will be ordered to take him into custody, for a breach or contempt of privilege. But to return—When the matter is ripe for the inquiry of the judges, the solicitor should attend at the chambers of the senior of those judges to whom the petition stands referred, and he will fix a time to examine the allegations therein contained. The parties having been examined with the necessary evidence, the judges, if they be satisfied of the facts, and approve the bill and report, will sign them; though sometimes they direct alterations to be made in the report, or some special matter to be stated. A copy of the bill should be made for the signature of the judges, and to the front of it, a copy of the report signed by the judges, together with the original petition and order of reference, should be annexed: The title of the bill must be indorsed on the back of the outside sheet: These must then be presented to the House, with a short extract of the bill, called a breviate, for the Speaker; and upon reading the judges' report, if it favour and approve the measure, leave will be given to bring in the bill, which will then be read a first time, as a matter of course.

At the opening of every session, the Lords generally make an order, that they will not receive any report from the judges, upon petitions

for private bills, after a certain day in such order named.

PROCEEDINGS

UPON PETITIONS REFERRED TO SELECT COMMITTEES AT THE COMMONS.

Here it is but justice to the legislature of this country to premise, how cautiously and deliberately the House of Commons proceed, when they are petitioned by individuals to exercise that important privilege of imposing a pecuniary burthen upon the people, whether it be in the form of tolls or duties, or as a pecuniary penalty. The orders and practice of the House, founded as they are in wisdom and justice, require that all such private cases, as well as matters of public concern, shall be more frequently discussed, than other propositions in which the levying of money on the Subject is not included. The time at which this discussion shall take place is determined by the nature of the proposition—whether in a committee on the bill, or whether if the proposition be made on the report, or on the third reading of the bill, in a committee of the whole House upon the clause by which the sum is to be imposed. And even before a private bill within the standing order next following can be introduced to the House,

the petition for leave to bring it in, must first be considered by a select committee, and reported to the House.

“ On the 13th March 1716—Resolved, that no bill be ordered to be brought in on any petition, for repairing or amending any highway, or for making or cleansing any port or harbour, or for making any river navigable, or for any other work proposed to be carried on by tolls, or duties to be levied on the subject in particular places, till such petition has been referred to a committee, and they have examined the matter thereof, and reported the same to the House.—On the 28th February 1734, this is made a standing order.”

When a petition has been referred to a committee to examine the matter thereof, and report the same to the House, the solicitor should procure a copy of the order of the commitment from the committee clerk, from which he will learn the names of the members who are to compose the committee; and as soon as he is prepared with the necessary evidence to prove the allegations of the petition, application should be made to some of the members named in the order requesting them to attend the committee. The committee

► This, and every other order of the House of Commons, collected in the foregoing and following pages, except a few which will be noticed as they occur, were on the 30th June 1801, extended to Ireland.

may meet the day after the petition is presented and referred, if the solicitor be ready with the necessary evidence. The member who is to have the care of the bill in the House, is generally appointed the chairman of the committee; besides whom, there must be seven other members, to form a committee. The signatures to the petition are not required to be proved; but all the allegations of the petition must be proved by parole evidence, though not upon oath^c; and no affidavits of facts will be admitted^d. In the order of commitment, power is given to the committee to send for persons, papers, and records; so that when a person will not voluntarily attend, or produce any writings which may be necessary, the chairman will, upon application for that purpose, sign an order, requiring the witness to attend, or produce the writings, as the case may require. All orders of this sort should regularly be served on the party, by a messenger of the House; because, if the witness should not attend after personal service, or be denied at his usual place of abode, in order to avoid a personal service, which I apprehend is necessary to bring the party into contempt in the first instance, application must be made to the House, to compel

^c 2 Hats. 144, and seq.

^d 2 Hats. 145, in notes. Unless they be affidavits of the publication of notices, &c. for inclosure bills. See post. inclosures.

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his appearance; and for that purpose, a petition must be presented to the House, noticing the chairman's order, and the attempt to serve it, and praying, that leaving a copy of it at the usual place of abode of the witness, may be deemed good service. The messenger of the House will be called upon, to shew in what manner the order of the chairman of the committee has been executed; and if there be any fair reason to suppose that the party absconds to evade the service, an order will be made, that leaving a copy of the chairman's order and of this order, at the usual place of residence of the party, shall be deemed good service thereof: And unless the witness then attend, or does not attend when personally served, or a certificate be produced of his inability to attend from illness or infirmity, the House will order the serjeant-at-arms to take him into custody. If there be any standing orders of the House, relating to the matter of the petition, that require public notice to be given of the application to Parliament, the chairman will, previous to examining the allegations of the petition, require the solicitor to shew how far such standing orders have been complied with: And to prove that they have been duly complied with, the person who affixed the notices on the church-door, or the door of the sessions-house, should attend with a copy of the notice; and the gazettes, and provincial papers in which the notices

were

were inserted, should be produced before the committee.

The committee clerk will prepare the report according to the evidence produced at the committee, and the title of the proposed bill should be left with him, to go up with the report. The report may be made by any member who was present at the committee. In case any mistake is made in the title of the bill, and it is wished to be altered before the bill is presented, a member should be furnished with the new title, and be requested to move that the order for bringing in the bill, made on a former day, may be read; and the order being read, that the order may be discharged. Then a motion should be made, that the petition, and also the report made from the committee to whom the petition was referred, may be read; and the same being read, an order will be made, for leave to bring in a bill with the new title; which may be presented the same day, if it be prepared.

It often happens, that from the want of local information in the solicitor, or from the negligence or misapprehension of the persons employed by him to affix the notices, or from the carelessness of the printers of papers, that the standing orders are not strictly complied with; and indeed sometimes the necessity of applying to Parliament

does not arise, or is not discovered, until the time at which the notices are required to be given is expired. In these cases, it should be proved to the committee, how far the standing orders have been observed, and what is the reason or cause why they have not been adhered to altogether, and that a further delay will be attended with considerable loss or injury to the parties; or, in case of public matters, that the public convenience and accommodation will be very materially affected by deferring the bill until another session.

The particular reasons must be specially reported to the House by the chairman; and when it appears to the House that some of the notices required have been given; that the parties interested in the measure have been individually consulted; and the application to Parliament made very notorious (publicity being the object of the notices); the House will generally grant leave to bring in the bill. On the other hand, when no notices have been given, or no steps taken to make the application to Parliament publicly known, it seems the most proper way is, to present a petition, in the first instance, for leave to give notices forthwith; though the House will, in matters of public utility or convenience, and where the particular occasions or circumstances of individuals urgently require it, grant leave to the parties, though no previous petition for that purpose has been exhibited, to give public notice forthwith on

on three successive Sundays, or at the next quarter-sessions, as the particular case may require, of the application that is making to Parliament. When such an order has been made to give these notices, it will be necessary to take a retrograde step, and to begin, as it were, *de novo*.

The order for the notices must be strictly carried into execution ; and as soon as it has been complied with, a petition should be presented to the House, stating, that in pursuance of the order notices were given at the times and in manner therein directed, and therefore praying for leave to bring in the bill.

This petition is generally referred to the same committee to which the former petition was referred, to examine and report ; and then the publication of the notices as directed by the order, must be proved by parole evidence before the committee. After these several steps have been taken, the chairman will report the matter to the House, and then move the House, that the report which was made from the committee to whom the former petition was referred, may be again read ; and the same being read accordingly, leave will be given to bring in the bill : And two or more members (whom the solicitor may request the member who makes the report to nominate), will be appointed to prepare and bring in the same.

It sometimes happens, that upon further consideration

deration of the measure, it will be proper to make provisions in the bill, which the petition presented will not warrant. If the petition be very defective, a petition should be presented for leave to withdraw it, and to present another in the stead thereof; but if only some few additions are to be made to the bill, a petition may be presented to the House, noticing the former petition, and stating that it will be requisite to make certain provisions in such bill, for purposes to be specified in the petition, in such manner as to the House shall seem proper, and praying accordingly. This petition will be referred to the same committee, and the allegations of it must be proved as before directed.

In matters of public utility, petitions may also now, or in any other stage of the bill, be offered to the House, from persons who will be benefited if the application to Parliament succeed^f, praying the House to take the matter into their consideration.

Petitions praying to be heard against the bill, may be presented to the House in this stage of the business, though it is very seldom done; because the House have resolved, when a petition has been referred to a committee, that they will not admit any petitioners to be heard against it,

^f 28 C. J. 473; 30 v. 720.

until

until the matter thereof shall have been reported to the House*.

“ On the 5th May 1773—Resolved, that whenever any petition presented to the House, shall have been referred to a committee to examine the matter thereof, and report the same, as it shall appear to them, to the House; this House will not admit any petitioners to be heard by themselves, or counsel, against such petition, until the matter thereof shall have been first reported to the House.—And this is made a standing order.”

See reports from committees on petitions re-committed to the same committee:

In order to give them an instruction, 19 C. J. 589; 27 v. 758.

In order to refer a petition to them, 26 v. 899.

On information that some alterations might be proper to be made therein, 28 v. 130.

On information that several matters therein would require further consideration, 26 v. 724; 27 v. 204.

On information that further evidence is neces-

* See 34 C. J. 411, where a motion to refer a petition to the same committee to which a petition for a bill was referred, was *withdrawn* by leave of the House, and the petition ordered to lie on the table.

sary,

sary, touching some matters mentioned in the petition, 28 v. 102; 30 v. 707.

An order for bill discharged, and report made from the committee on the petition re-committed, 31 v. 36.

Report from a committee, on a petition re-committed a second time to the same committee, 32 v. 708, 720.

BILL.

It may not be improper here to observe, that in each House, the act of the majority binds the whole, and this majority is declared by votes openly and publicly given. The Speaker of the House of Commons never votes, but when there is an equality without his casting vote, which in that case creates a majority: But the Speaker of the House of Lords has no casting vote, but his vote is counted with the rest of the House; and in case of an equality, the non-contents or negative voices, have the same effect and operation as if they were in fact a majority.—See 11 L. J. 283.

Every Peer has the privilege of making another Lord of Parliament his proxy, to vote for him in his absence—a privilege which a member of the other House can by no means have, as he himself is only a proxy for a multitude of other people.—4th Inst. 12.

By an order of the House of Lords, 25th February 1625, a Spiritual Lord shall only be proxy

proxy for a Spiritual Lord, and a Temporal Lord for a Temporal Lord.

Two or more Peers may be proxy for one absent Peer, but they cannot vote unless they all concur.—4th Inst. 12.—Proxies cannot be used in a committee.

STANDING ORDERS

OF THE HOUSE OF COMMONS.

“ On the 17th November 1797—Resolved, That the precise duration of every new temporary law should be expressed in the title of the bill, and also in a distinct clause at the end of the bill, and no where else.”

“ On the 17th November 1797—Resolved, That where the revival of several expired statutes, or the continuance of several expiring statutes, is proposed, all such as are to be revived, should be included in one bill, and such as are to be continued in another; and that every bill for the revival of several statutes, or for the continuance of several statutes, should express in its title, that the same is for reviving, or for continuing, the several statutes therein mentioned, and should describe in its title, every such statute, by its year, chapter, and day of passing, together with the precise duration to be given thereto.—These two resolutions declared to be standing orders.”

HOUSE

HOUSE OF LORDS.

FIRST READING OF A BILL.

When a petition for leave to bring in a bill is offered to the House, and such petition is ordered to be received, if it be not referred to two judges, leave will be given to bring in the bill; and if the bill be prepared, and a copy thereof made for the House, with a breviate for the Speaker, the bill may be presented the same day, by applying to a Lord for that purpose, who will move to have it read a first time, which will be ordered as a matter of course.

If an estate bill be begun in the House of Commons, on the first reading of the bill in this House it will be referred to two of the judges, who must report their opinion thereon, before the bill can be read a second time.—See Pitt's bill, 31 L. J. 543.

The necessary orders to be observed on bills for divorce, making navigations, &c. and the particular proceedings thereon, before the bill can be read a second time, will be noticed in the chapters appropriated to those particular bills.

In this stage of a bill, the persons who oppose the measure generally present a petition to the House, praying to be heard against the bill; and an order is usually made for their counsel to be heard on the second reading of the bill.

HOUSE OF COMMONS.

FIRST READING OF A BILL.

"On the 12th November 1705—Ordered, That all private bills brought into this House be printed; and that they be printed, after they are presented to the House, and before the first reading. On the 12th December 1706, this order is renewed; and on the 5th March 1722, it is Ordered, That no private bill be read, before printed copies thereof be delivered to the members of the House: And this order to be a standing order^b."

As soon as the bill is settled, a copy of it should be made, with marginal notes, for the printer, in which blanks or void spaces must be left for the precise date of times, the nature and quantity of penalties, or for any sums of money to be raised, and for the names of trustees or commissioners to carry the act into execution, unless such names are required by any standing order of the House to be inserted. Another copy of the bill must be made, to be presented to the House. In this copy a blank must be left on the first sheet, for the title of the bill; (which

^b The usual practice has been, to print private bills before they are presented, as they are commonly moved to be read a first time immediately on their being received.

will be settled on the third reading of the bill). There should be no marginal notes, nor any erasures or interlineations, the same blanks or void spaces must be left, as in the printed copies, and the title of the bill should be indorsed on the back sheet¹.

The bill being printed, twelve prints should be left with the door-keeper of the House, before the bill is presented ; and when the House copy has been prepared, a breviate, that is, a short extract thereof, should be made for the Speaker. The order of leave to bring in the bill, may be obtained at Mr. DORRINGTON's office ; and that, as well as the breviate, is to be indorsed. The House copy, breviate, and order of leave, with two of the printed bills, should then be given to one of the members named in the order, to present to the House.

If it should be inconvenient to all the members named in the order, to attend on any particular day on which the parties may wish to have the bill presented, any other member will be allowed to present the bill, having first made a motion in the House, that he may be added to the gentle-

¹ See 26 C.J. 145 ; 29 C.J. 926 ; 30 C.J. 600, 653 ; 31 C.J. 75, 261 ; 33 C.J. 227, 674. The House copy of the bill, and the prints, must be made strictly conformable to the practice of the House ; and it is usual for the solicitor's parliamentary agent to prepare them, and also the breviate for the Speaker.

men who are appointed to prepare and bring in the bill in question, which is ordered of course ; and then he may immediately present the bill to the House ; but if a bill should be presented by a member not named in the order, without such leave, in case the irregularity be discovered, the bill will be ordered to be withdrawn.—See 33 C. J. 255.

Having presented the bill, the member moves to have it read a first time, which is ordered of course. The House bill then remains with the clerk of the House, until it is ordered to be committed.

“ On the 15th January 1697—It is ordered, that upon the first reading of every private bill, a time be appointed for a second reading thereof.”

Any member may oppose the introduction of a bill, or the bill itself at any of the readings ; and when that is the case, the sense of the House is taken upon the bill ; and if the opposition succeed, the bill must be dropped for that session, as it must also, if opposed with success in any of the subsequent stages^j: But where any particular clause or words have been inserted in a bill, as an amendment by the House, in any other subse-

^j See reasons entered in 33 C. J. 726, for permitting a bill to be brought in the same sessions, relative to matters for which they had before passed a bill which was not agreed to by the Lords. Vide also a protest entered in 15 L. J. 90. quent

quent stage of the bill, the sense of the House may again be taken upon the same clause, or words, and they may be left out ; because every stage of a bill submits the whole and every part of it to the opinion of the House ; and this being the known order of the House, there can be no surprize upon any person whatever. And this seems to be the better opinion, and confirmed by precedents, (though there are precedents cont.^k, as well as acc.^l), that in every stage of a bill, every part of the bill is open to amendment, either for insertion or omission, whether the same amendment has been in a former stage accepted or rejected^m.

“ On the 1st June 1610—Agreed for a rule, that no bill of the same substance can be brought in the same session.”

The substance of the rule laid down in the 2^d L. J. 435, and stated in 2 Hats. 118, is—That a bill being brought into the House and afterwards

^k Vide 22 C.J. 136, where a clause was offered on the third reading of a navigation bill ; but it appearing that the same clause was originally in the bill, but left out by an amendment made by the committee, the clause was withdrawn.

Vide 27 C.J. 235, 245, the same questions on the report and 3^d reading of a road bill ; 23 C.J. 336, words are left out on the third reading of a bill, which are expressed to have been inserted by an amendment made by the House to the bill. In 2 Hats. 124, several other similar precedents are collected.

^m 2 Hats. 128, in notes.

rejected, another bill of the same argument and matter may not be renewed in the same House in the same session; but if a bill begun in one House, be disliked and refused in the other, a new bill of the same matter may be drawn and begun again in that House whereunto it was sent; and if, a bill being begun in either House, and committed, it be thought by the committees that the matter may be better proceeded in by a new bill, it is likewise holden agreeable to order, in such case, to draw a new bill, and bring it into the House".

In Grey's Debates, vol. ii. p. 389, it is said, that if a bill be rejected by a question, nothing of the same nature can be brought in again the same session; but you may withdraw the bill, in order to bring in another upon debate.

And the practice seems now to be, when a bill is not properly prepared, for a member to notice it in the House, and move for the order respecting it to be discharged, that the bill may be withdrawn, and for leave to present a proper bill in the stead thereof.

No private person can be heard against a bill, until a petition for that purpose has been presented to the House, and an order made in pursuance

^a Vide 26 C.J. 758, an estate bill from the Lords read once, and laid aside; and another bill, with the very same title, ordered immediately. See post. title, "Amendments." In such cases, no fresh fees are paid,

thereof.

thereof. When any opposition is expected, in order to defeat that opposition, the attendance of as many members as possible should be procured in every stage of the bill.

When the principle of a bill is opposed, this is the proper stage to present a petition against it; and the petition is generally ordered to lie on the table till the second reading of the bill; and an order is also made for the parties to be at liberty to be heard by their counsel against the bill, at the time appointed for the second reading.

In all cases where the King is interested as a party in any bill depending in either House of Parliament, either as patron of a living, or lord of the manor or soil, or in any other way, a print of such bill should be left at the Treasury, or with one of his Majesty's Secretaries of State, that the consent of the Crown may be procured; and if the property and interests thereof be properly secured, or an adequate compensation proposed to be made for them, it is usual for the Chancellor of the Exchequer, or some other member appointed by his Majesty, to acquaint the House, in the course of the bill (generally on the second or third reading), "That his Majesty having been informed of the purport of the said bill, gives his consent, as far as his Majesty's interest is concerned, and that the House may do therein as they shall think fit."

2 Hats. 336.

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Until his Majesty's consent has been signified as above, the bill cannot pass; and therefore the sooner his Majesty's pleasure can be made known, the better. His Majesty's consent must be again signified by the Lord Chancellor, or one of the Secretaries of State in the House of Lords, and so, *vice versa*, when a bill originates with the Lords.

AT THE LORDS.

SECOND READING.

“ Die Veneris, 16 Novembris 1705—It is ordered by the Lords Spiritual and Temporal in Parliament assembled, that for the future no private bill shall be read in this House a second time, until printed copies thereof be left with the clerk of the Parliaments, for the perusal of the Lords: And that one of the said copies shall be delivered to every person as shall be concerned in the said bill, before the meeting of the committee upon such bill; and in case of infancy, to be delivered to the guardian, or next relation of full age, not concerned in interest, or in the passing of the said bill: And that this order be added to the roll of standing orders, and printed and published, to the end all persons concerned may take notice thereof.”

When the bill is printed, twelve prints should be left

left at the Parliament-office, or at the House of Lords, to be laid on the table ; and if the bill be printed soon enough, and there be no opposition to it, it may be read a second time the day following the first reading, by applying to a Lord to move for that purpose.

When a petition has been presented, praying to be heard by counsel against the bill, and an order has been made for that purpose, counsel should attend at the House of Lords on the day appointed for the second reading ; and they will be called to the bar to be heard against the bill. After the second reading of a bill, if it be the opinion of the majority of the Lords present, that the bill should be committed, it will be committed, in particular cases, to a committee of the whole House, but more usually to a select committee, which is generally formed of the Lords then present ; so that it is advisable to procure the attendance of such Lords on the second reading, as are proposed to form the committee ; otherwise, in order to give any Lords who were not present on the second reading, a voice in the committee, the House must be moved, " that all the Lords who have attended in the then session, be added to the committee," or " that the original order of commitment be waived, and that the bill be committed to all the Lords who have attended in the then present session." Request being made to a Lord for that purpose, he will get the bill committed for any parti-

particular day that may best suit all parties; and should any thing prevent the meeting of the committee on the day appointed, the committee may sit on any subsequent day.

The fees payable upon all bills, are due on the second reading thereof; and the officers of the House have a right to withhold a bill from being read a second time, until the fees are paid, or some person is answerable for the paying of them¹.

Previous to the meeting of the committee, every person who is to give evidence before the committee, must be sworn at the bar of the House of Lords; and for this purpose the same steps are to be taken, as are pointed out for the swearing of witnesses to give evidence before the judges; but no certificate of their having been sworn is required.

¹ See in L. J. 22 v. 628, a list of fees payable to the officers of that House for every private bill.

Vide 13 C. J. 356, a table of fees payable on the passing of private bills in the House of Commons: also standing order of 24th June 1801.

Vide 28 L. J. 520, and 26 C. J. 278, the rule observed in ascertaining the quantum of fees due for each particular bill.

Vide in 2 Hats. 268, a collection of bills that paid fees, though public in their operation.

in C. J. 290, Sir Thomas Armstrong's bill ordered to pass without paying fees.

HOUSE OF COMMONS.

SECOND READING.

“ On the 24th November 1699 — Ordered, That there be three days between the several readings of all private bills.—On the 15th February 1700, this is declared to be a standing order: And is repeated on the 18th January 1708.”—(Does not extend to *Ireland*.)

This order is construed to be an interval of three complete days, exclusive of the days of reading.

“ On the 30th June 1801—Resolved, That there be twenty-one days at least, between the first and second reading of every private bill relating to *Ireland*.”

“ On the 13th June 1751—The House agreed to a resolution reported from a committee on the 4th June, That no bill, or clause, for the particular interest or benefit of any person or persons, county or counties, corporation or corporations, or body or bodies of people, shall be read a second time, unless fees be paid for the same. And this is ordered to be printed, and hung up in the lobby, with the table of fees.”

* Vide C. J. 27th June 1697; 7th February 1661; 6th May 1664; 17th May 1689; 21st May 1702.

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On the second reading, if there be no successful opposition, the bill will be committed, and the committee clerk will affix in the lobby the notice which is required by the standing order inserted under the head Committee. As soon as the bill is committed, a list of the members to whom it is so committed, should be obtained from the committee clerk by the solicitor, and application should be made by him to some or all of them, as the particular circumstances of the case may require, requesting them to attend the committee. If the committee should be fixed for a time when it will be inconvenient for any of the parties interested to attend, it may be deferred to a future day, that will better suit the convenience of all parties; but in this case a reasonable notice when the committee will sit, should be given to all persons who intend to oppose the bill.

In this stage petitions may be preferred to the House by parties concerned in the consequences of a bill; for leave to be heard by themselves or agents against such parts of the bill as affect their rights and interests, or that some particular provisions may be made in the bill on their account: and such petitions are generally referred to the committee to whom the bill stands referred, unless the provisions prayed for be of a nature that require the petition should be first considered by a committee, agreeable to the standing

standing order of the 28th February 1734¹; and then, upon the report of the committee on such petition, the House will, if it be right and proper so to do, order, "That it be an instruction to the committee to whom the bill is committed, to make the provisions prayed for in the petition."

Only those particular members named in the order of commitment, will have a voice at the committee on the bill, unless the House be moved "that all members who come to the committee have voices," and an order be made accordingly. This order is generally applied for, and made, when a bill is opposed.

COMMITTEE AT THE LORDS.

A committee of the whole House is composed of every member present; and in order to form it (another Lord being appointed chairman), the Speaker quits the woolsack, and may sit and debate as a private member. There must be five Lords to make a select committee; and any Lord may be present at any such select committee, but is not to give his voice, unless he be named to be of the committee².

Bills are referred to committees, that the subject matter of the bill may have the most full and free discussion, and particularly for the pur-

¹ In p. 23, ante.

² 4 Hats. 124, in notes. Lex Parliam. 332.

pose of considering whether any, and what, alterations or amendments are necessary to be made in the form of the bill; and consequently this is the most proper stage of the bill to offer such alterations or amendments as may be thought requisite for effectuating the purposes of the bill, or for guarding the interests of certain persons who might be unjustly affected by the bill, unless some particular provisions or exemptions were to be inserted. The committee are first to read the bill, then to consider the same by parts. The preamble is usually considered after the other parts of the bill, because upon consideration of the body of the bill, such alterations may be made therein, as may also occasion the alteration of the preamble.

The witnesses necessary to support the allegations of the bill, having been previously sworn at the bar of the House, must attend at the committee to be examined and give their evidence. The manner of compelling involuntary witnesses to attend, has been already pointed out*. If any persons have petitioned for the insertion of particular provisions in a bill on their behalf, or have petitioned against any particular parts of the bill, and such petitions have been referred to the committee on the bill, they should attend at the committee to be heard on their petitions.

* Vide 31 L. J. 590, witness ordered to attend a committee, and produce papers. See ante, p. 29, 20.

The

The committee may not erase, interline, or blot the bill itself ; but must in a paper by itself set down the amendments in this manner, in such a folio, and such a line, between such a word and such a word, or after such a word, insert these words, or omit these words : And every additional clause which is intended to be proposed, should be written on a separate sheet of paper, properly indorsed and ticketed ".

When the amendments are all perfected, every one being voted singly, all of them are to be read at the committee, and put to the question, " Whether the same shall be reported to the House ?" When the vote is to be put, any member of the committee may move to add to those amendments, or to amend any part of the bill. After the bill with the amendments, are gone through, if any clause is intended to be added, it should then be proposed. If the vote of the committee pass for reporting the amendments to the House, then the chairman of the committee is appointed to make the report ; and when that has been done, the committee is dissolved, and can act no more without a new power ; but where a committee have not time to examine the bill fully at the first sitting, it may be adjourned, and meet again on a future day.

The committee clerk prepares the report, and paper of amendments to be made to the House,

* Lex Parliam. 333.

and

and the solicitor for the bill should attend at the Parliament-office to examine them, before the report is made to the House.

COMMITTEE AT THE COMMONS.

“ On the 24th November 1699—Ordered,
That the chairman of the committee for any
private bill do not sit thereupon, without a
week’s public notice thereof set up in the
lobby.—On the 15th February 1700, this
is declared to be a standing order: And is
repeated on the 18th January 1708.”

As the committee is appointed to meet in the afternoon of the day on which the bill is committed, it has been sometimes the practice to sit on that day se’nnight, in which case the notice should be affixed on the evening of the day the bill is committed *.

“ On the 15th January 1705—Ordered, That
all persons concerned in interest in private
bills, in case they are able, do personally
attend the committee, to give their con-
sents; and if they are not able personally to

* Vide C. J. where leave has been given to select com-
mittees to sit sooner than allowed by the standing orders,
18 v. 470, 596; 20 v. 328, 329; 21 v. 326; 25 v. 183,
654; 26 v. 1015; 28 v. 272, 589, 597, 923, 924; 29 v.
1050; 31 v. 390, 656; 32 v. 873, on account of the ill
health of a witness; 33 v. 346, 632, 782.

* Vide order, 1 C.J. 468.

attend,

attend, that they give certificates of their consent, to be proved by one or more witnesses before the committee."—This order does not extend to *Ireland*.

"On the 30th June 1801—Resolved, That all persons concerned in interest in private bills, relating to that part of the united kingdom called *Ireland*, do personally attend the committee to give their consents, or do signify the same to one of the judges of that part of the united kingdom, whose certificate shall be taken as proof of such consent; unless the committee to whom any petition or private bill shall be referred, shall otherwise order."

"On the 30th June 1801—Resolved, That in all private bills relating to that part of the united kingdom called *Ireland*, the notices required by the standing orders of this House, and the allegations in the preamble of such bills, may be proved before any judge of that part of the united kingdom, whose certificate shall be admitted as evidence of such proof having been made, unless the committee to whom any petition or private bill shall be referred, shall otherwise order."

12th April 1804—Upon a motion made, touching the slow proceeding and dispatch of such bills and business, as were depending in the House,

which grew (as was said) by the non-attendance of the committees, it was

“ Ordered, That if eight of any committee do assemble, they might proceed to a resolution in any business of the House.”

To form a committee of the whole House, there must be forty members present, and the Speaker quits the chair, and votes like any other member. At a select committee, when eight members have assembled, the bill may be proceeded with.

At a committee, petitioners are, by the rules of the House, to be heard only against particular clauses and provisions in the bill, and will not be permitted to offer any reasons against the principle of the bill*.

In these committees, the bill is debated clause by clause, and after all parties concerned have been heard, the blanks left for the precise date of times, the nature and quantity of penalties, or of any sum of money to be raised, are settled and filled up, and such alterations and amendments as are thought necessary, are made to the bill. After the committee has gone through the bill, the chairman of the committee is directed to report it to the House. This House does not examine the witnesses upon oath^y, but in all other

* Vide 26 C. J. 217, 933.

^y See 2 Hats. 144 and seq. whether the House of Commons have power to administer an oath.

respects,

respects, what has been said under the head committee in the Lords, is applicable to proceedings in this House.

When a necessary witness refuses to attend the committee, one of the members of the committee should move in the House, that the committee may have power to send for persons, papers, and records ; and when such an order has been made, the chairman of the committee will sign an order for the person whose attendance is required, to attend and give evidence before the committee.

When the committee clerk has prepared the report and paper of amendments, to be reported to the House, the solicitor for the bill should attend to examine the report with the House bill, and see that all the amendments agreed upon at the committee are correctly made out. All new clauses that are added by the committee, should be copied on separate sheets of paper, and not inserted in the report, as amendments made by the committee in the body of the bill. See 21 C. J. 570, where a report was withdrawn to rectify a mistake in this respect.—See also 19 C. J. 54, a report on a road bill, re-committed on account of mistakes in the amendments.

REPORT FROM SELECT COMMITTEES

AT THE LORDS.

“ Die Sabbati 5 Aprilis 1707—It is ordered by the Lords Spiritual and Temporal in Parliament

ment assembled, That on all reports made from committees, of amendments to bills, for the future, the Lord that makes the report, do explain to the House the effect and coherence of each amendment ; and that on the clerk's second reading of the same amendments, the Lord on the woolsack do the same : And this to be added to the roll of standing orders."

As soon as the report has been prepared by the committee clerk, the chairman of the committee will report to the House the bill with the amendments, (if any) ; and if there be no amendments made to the bill, the chairman generally makes the report to the House the same day on which the committee have sat.

REPORT FROM SELECT COMMITTEES AT THE COMMONS.

"On the 31st of March 1699—Ordered, That the chairman of the committee, upon the report of every private bill, do acquaint the House, that the allegations of the bill have been examined, and that the parties concerned have given their consent to the satisfaction of the committee ; and that the same be a standing order of the House."—Not extended to *Ireland*.

"On the 24th November 1699—Ordered, That the chairman do acquaint the House, whether the allegations of the bill have been examined,

examined, and the parties concerned have given their consents to the satisfaction of the committee. And this is declared to be a standing order on the 15th February 1700; and is renewed on the 18th January 1708."

The report being prepared by the committee clerk, and examined by the solicitor, the chairman of the committee should be applied to, and he will report to the House the bill with the amendments; and if the same are agreed to, the bill with the amendments will be ordered to be engrossed.

When a bill has been ordered in immediately on presenting a petition, and the report from the committee states that the standing orders of the House relating to notices have not been complied with, the House sometimes orders notices to be given forthwith; and in that case the notices must be given, and a petition presented in the manner before stated, under title, "Petitions referred to Committees".

On the report, amendments are sometimes made to the bill, but the House will not enlarge the times or dates appointed by the bill for effectuating any purpose, nor increase the penalties, though it will occasionally shorten the dates, and lessen the penalties, without re-committing the bill; but this is seldom applied for: Therefore when such, or any other material alterations are wished to be made in the bill after it has gone

² Vide pp. 27, 28, ante.

through a committee, the bill should be reported; and the House, on being informed by the member who makes the report, that it will be necessary to make some further alterations in the bill, it will be re-committed for that purpose^a.

The House have been very cautious not to receive a clause in which any pecuniary fine is imposed, on the report, the Speaker being in the chair, but to commit such clause to a committee of the whole House^b; or, if that is thought inconvenient, to re-commit the bill to the committee from whence it was reported, that the imposing such pecuniary fines might at least receive the consideration and sanction both of a committee and of the House.

If the House be not satisfied with the report, or are of opinion that the subject has not been sufficiently canvassed, they will sometimes re-commit it, or some part of it, for the purpose of receiving more accurate information, or more narrowly inquiring into the nature and expediency of the measure proposed^b.

See 26 C. J. 217, 933, where a second petition against a bill was presented to the House, on the report of the bill from the committee (the parties not having been permitted to assign their reasons against the bill before the committee), and an order made for the petitioners to be heard on the third reading of the bill.

^a 27 C. J. 501.

^b 24 C. J. 796; 39 C. J. 951.

^b 3 Hats. 158; 26 C. J. 51; 30 v. 720.

AT THE LORDS.

THIRD READING OF THE INGROSSED BILL.

When the ingrossment is prepared, the solicitor should attend at the Parliament-office in Abingdon-street, to examine it. Great care should be taken, that it is verbatim the same with the House bill, and amendments, if any be made to it. The ingrossment should then be laid on the table, and some Lord should be requested to move to have it read a third time; and if any amendments or clauses are desired to be added, the solicitor should prepare them, and request a Lord to propose them to the House. The bill is then read a third time, and the question will be put, Whether the bill shall pass? And if resolved in the affirmative, two masters in Chancery will be ordered to carry it to the House of Commons, to desire their concurrence to it, unless the bill originated with the Commons; in that case, it remains in the Lords' House, to wait the Royal Assent; and a message is sent by two masters in Chancery to the House of Commons, to inform them that the Lords have agreed to the bill.

If the Lords make any amendments to a bill that originates with the Commons, the bill itself, with the amendments, is returned to them for

their concurrence; and if the Lords' amendments are agreed to, the Commons will return the bill again to the Lords, to wait the Royal Assent.

AT THE COMMONS.

THIRD READING OF THE INGROSSED BILL.

When a bill originates at the Lords, it is generally read a third time in this House the same day it is reported; and a member is ordered to carry it to the Lords, to inform them that the House has agreed to the bill, either with or without amendments, as the case may happen to be.

When a bill originates at the Commons, after the House has ordered it to be ingrossed, the solicitor should attend, to examine the ingrossment before it is laid on the table; and if it be necessary to make amendments in this stage of the bill, the solicitor should prepare a paper of amendments, referring to the presses and lines in the ingrossment; or if a new clause is to be added, it must be ingrossed on parchment, with proper blanks, and given to a member to offer to the House; and in case the House agree to the amendments and new clause, the bill will be altered by the clerk at the table, and the ingrossed clause, which is then called a rider, will be tacked to the bill: But if the clause intended to

be added to the bill is to contain a pecuniary fine, after the clause has been read twice, the practice is, to commit it to a committee of the whole House, and to fill up the blanks with the sum to be paid ; and as soon as the Speaker resumes the chair, the clause is reported, read a third time, and agreed to^d.

The bill having been read a third time, the title of it is then settled ; and when it is intended to be varied from that which is indorsed on the House copy, the new title should be written on a sheet of paper, and laid upon the table with the engrossed bill ; and the member who has the care of the bill in the House, should be requested to propose it. After the new title has been agreed to by the House, the engrossed bill should be taken to the Ingrossing-office, to have the title indorsed upon it ; and when that has been done, it must be returned to the House, to be signed by the clerk. The engrossed bill being signed by the clerk, a member will be ordered to carry it to the Lords, to desire their concurrence to it ; and on the same or some subsequent day, such member, attended by seven other members, will carry it to the bar of the House of Lords, and there deliver it to their Speaker, who comes down from his woolsack to receive it ; and it is usual to read the bill a first time in that House, immediately upon its

^d See remarks ante; head, "Report," p. 54.

being

being received. The bill then goes through all the same forms in the House of Lords (except being engrossed afresh), and remains with the Lords, to wait the Royal Assent, unless the Lords make amendments to the bill, and in that case it must be returned to the Commons, for their concurrence.

AMENDMENTS.

Though, generally speaking, either House may make amendments to engrossed bills sent to them from the other, yet if the Lords shorten^c or extend^d the time, or alter the manner appointed for collecting^e any sum of money, or alter the manner in which such money is to be applied^f, or subject any person to^g, or exempt any from^h, the payment of tollsⁱ, or alter the sum to be raised or collected^j, or alter the names of the persons, commissioners or collectors^k, appointed to manage any toll or rate, or add to, or diminish

^c 16 C.J. 375.

^d 10 C.J. 238.

^e 8 C.J. 112, as to exclusive right in the Commons to name commissioners in bills that charge the people. *Ibid.* 169.

^f 15 C.J. 649.

^g 8 C.J. 435; 45 v. 513.

^h 15 C.J. 355; 20 v. 859.

ⁱ 8 C.J. 316.

^j 9 C.J. 235.

^k 10 C.J. 133, 780; 39 v. 693.

from,

fromⁿ, any sum inflicted as a penalty, or insert a new clause which inflicts a penalty^o, or alter the application or distribution of a pecuniary penalty^p, it seems the House of Commons cannot, consistent with its forms, proceed further in the bill; but the House is at liberty, and it is according to order, to give leave to bring in a new bill, agreeable to the opinion of the House on the subject: And this without a petition being presented for that purpose^q. In all other parts and clauses of such bill not relative to any of the above matters, the Commons have not objected to the Lords making alterations or amendments^r.

When either House does not agree to the amendments made by the other, a conference usually follows between certain members deputed from each House, who for the most part settle and adjust the difference; but if both Houses remain inflexible, the bill is dropped.

ROYAL ASSENT.

When a bill has received the sanction of both Houses, it is deposited in the House of Lords, to

ⁿ 14 C.J. 76.

^o 10 C.J. 534; 33 v. 954, p. 4, ante.

^p 10 C.J. 693.

^q Vide p. 38, ante.

^r 3 Hats. 138, 9, 140, and title, "Supply," *passim*. Vide in 37 C.J. 820, report of precedents of amendments made by the Lords to bills of Inclosure, collected by a committee.

wait

wait the Royal Assent, which may be given two ways.

1st, In person. The King coming to the House of Peers in his crown and royal robes, and sending for the Commons to the bar, the title of the bill is read by the clerk of the crown, and the King's answer is declared by the clerk of the Parliament in Norman French.

2dly, By the statute 33 of HENRY VIII. c. 21, the King may give his assent by letters patent under his great seal, signed with his hand, and notified in his absence to the Lords Spiritual and Temporal and to the Commons, assembled together in the High House: And when the bill has received the Royal Assent in either of these ways, it is then, and not before, a Statute or act of Parliament.

Formerly every statute began to have effect, unless a particular time for its commencement was therein mentioned, from the first day of that session of Parliament in which it was made.

1 Rol. Abr. 465; 4 Inst. 25, 27. But now, by the statute 33 GEO. III. it is enacted, that when the operation of an act of Parliament is not directed to commence from any time therein specified, the clerk of the Parliament shall indorse upon it the day on which it receives the Royal Assent; and that day shall be the date of its commencement.

Though it will not be necessary for our present purpose,

purpose, to enter into a detail of the manner in which Parliament may be adjourned and prorogued, or to state the different ways in which it may be dissolved⁴, yet it may not be irrelative to our subject, to state briefly what maketh a session of Parliament, and the effect and operation of a prorogation, adjournment, or dissolution, on the proceedings upon private bills.

1st, The passing of any bill or bills, by giving the Royal Assent thereunto, or the giving any judgment in Parliament, doth not make a session, but the session doth continue until that session be prorogued or dissolved. 4 Inst. 27; 2 Hats. 329.

2dly, The diversity between a prorogation and an adjournment, or continuance of the Parliament is, that by the prorogation in open court, there is a session; and then such bills as passed in either House or both Houses, and had no Royal Assent to them, must at the next assembly be begun *de novo*; for every several session of Parliament is in law a several Parliament; but if it be but adjourned or continued, then there is no session; and consequently all things continue in the same state they were in before the adjournment. 4 Inst. 27.

⁴ The reader is referred to Mr. Hastel's 2 vol. of Precedents, where this subject is elaborately discussed. See also 5 Com. Digest. title, "Parliament."

See

See a standing order of the House of Commons, 9th April 1772, 33 C.J. 678, relating to bills respecting *Trade*.

Another standing order of the 30th April 1772, 33 C.J. 714, relating to bills respecting *Religion*.

See standing orders of the House relating to *applications for Public Money*, 11th June 1713, 17 C.J. 417; 29th March 1707, 15 C.J. 367; 25th March 1715, 18 C.J. 23.

See 27 L.J. 538; 13 C.J. 512; 26 C.J. 170, 797; 27 C.J. 447, 537, 548; 28 C.J. 244, 251; where the protection and privilege of the House has been ordered for parties, during the dependence of private bills in which they were interested, or on which they were attending.

CHAPTER I.

INCLOSURE AND DRAINAGE BILLS.

BILLS for dividing, inclosing, draining, or exonerating from tithes any lands, fens, commons, or waste grounds, or to confirm any divisions or inclosures of lands made by agreement between the parties, should originate in the *House of Commons*; and the first step to be taken towards obtaining an act for any of those purposes is, to give notice of an intended application to Parliament, agreeable to the following resolutions of the House.

NOTICES.

“On the 15th April 1774—Resolved, That before any petition is presented to the House for inclosing, draining, or improving any lands, fens, or commons, a printed or written notice of such intended application to Parliament be affixed on the church-door of the parish or parishes in which such lands, fens, or

or commons do lie*, for three Sundays, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such petition is to be presented. On the 25th April 1774, this is made a standing order."

See precedents for Chapter I. in Appendix (A).

As publicity is the object of these notices, it is proper that the notices should be put up before divine service is performed, where it can be done without much inconvenience: But I apprehend the order would be considered to have been complied with, if the notices were affixed at any time before the close of the evening on Sunday: And though the House has prescribed no particular form for them, it is right that the nature and extent of the lands intended to be inclosed, drained, &c. should be therein clearly defined.

The person who affixes the notice on the church-door, should keep a copy of it, as he will be called upon to prove before the committee, that the above order has been complied with; or in case of an inclosure only, to make an affidavit before two magistrates, that he saw the notice, which is to be annexed to the affidavit; upon the church-door for three Sundays, as above-mentioned. It

* If any cottagers in the adjoining parish or parishes, have a right of common on the lands to be inclosed, notices must be affixed on the church-door of every such parish.

is

is not necessary to affix upon the church-door a fresh notice every Sunday, unless the first be torn or obliterated. Vide ante, p. 26, for observations on previous notices.

PETITION.

The due notices having been given in the month of August and September, or one of them, a petition to the House for leave to bring in the bill, may be prepared, and the signatures of two or three of the principal proprietors obtained to it; and perhaps it may be advisable to take the signatures of as many proprietors as are willing to sign, in order to prevent their being afterwards seduced or influenced to oppose the bill; though it must at the same time be remembered, that no person who signs the petition, will be an admissible evidence in either House; therefore no proprietor, whose evidence may be thought necessary to support the bill, should sign the petition^b. Application should be made to one of the members for the county within which the parish is situated, to present the petition, and he should be requested to take the care of the bill in the House.

Upon the petition's being presented, if it be merely to inclose lands, or to confirm an agreement under which lands have been already inclosed, leave will be given to bring in the bill, which, if it be prepared and printed, may be

^b See standing orders relating to petitions, ante, pp. 7, 8.

F brought

brought in the same day, and read a first time (though it seems more decorous to wait till the day following, unless it be towards the close of the session); or it may be brought in afterwards, at any time that is agreeable to the parties during the session.

If the petition be for draining fens, &c. it will be referred to a select committee of members, who are to examine the matters thereof, and report the same to the House, before the bill can be brought in. The proceedings in such cases have been before stated.

“ On the 15th November 1775—Resolved, That when any petition for inclosing, draining, or improving any lands, fens, or commons, hath been presented to this House, the committee to whom the said petition shall be referred; or in case the said petition shall not be referred to a committee, then the committee to whom the bill for those purposes shall be committed, do examine in the first place, how far the orders contained in the two resolutions of the 15th of April 1774, made standing orders on the 25th April 1774⁴, have been complied with; and the chairman of such committee shall report the same to the House, on the report of such petition or bill. On the 22d November 1775, this is made a standing order.”

⁴ See p. 23, ante.

⁴ See one order in p. 63, ante; the other p. 67.

BILL.

See an act passed in the 41 GEO. III. for consolidating in one act certain provisions usually inserted in acts of inclosure, and for facilitating the mode of proving the several facts usually required on the passing of such acts.

In framing the bill, care must be taken to insert the provisions which are required by the following standing orders to be made therein.

“ On the 15th April 1774—Resolved, That in all bills for inclosing lands or commons, the names of the commissioners proposed to be appointed, and the compensations intended for the lord of the manor, and the owners of tithes, in lieu of their respective rights, *where any bargains or agreements have been made for such compensations*, be inserted in the copy of the bill presented to the House; and that all copies of such bills, whether printed or written, which shall be sent to any of the persons interested in the said manor, tithes, lands, or commons, for their consent, do contain the names of such proposed commissioners, and also such intended compensations. On the 25th April 1774, this is made a standing order.”

“ On the 30th June 1801—Resolved, That the three last foregoing resolutions be adhered to.”

“ On the 27th April 1774—Resolved, That in all bills for inclosures, there be inserted a clause, compelling the commissioners to account for all monies by them laid out and assessed on the parties concerned in the said inclosures. And this is made a standing order.”

First order. — “ On the 14th March 1781—Resolved, That in all bills for inclosing lands or commons which shall be presented to this House after this session of Parliament, provision be made for fencing out all the public carriage-roads on each side from the lands adjoining; and for preventing any gate from being erected across any of the said roads, or trees being planted on either side of the said public roads, nearer to each other than within the distance of fifty yards. And this is made a standing order.”

“ On the 14th March 1781—Resolved, That in all bills for inclosing lands or commons which shall be presented to this House after this session of Parliament, provision be made for empowering and requiring the commissioners named in such bills, to appoint one or more surveyor or surveyors with a salary, for the first forming and also putting into good

good and sufficient repair the public carriage-roads ; and for defraying the expence of such salary and of such forming and repair which shall be incurred over and above the statute-duty, either by sale of a sufficient portion of the said lands, or by a rate upon the owners and proprietors of the lands so inclosed within the said parish ; and for preventing any charge or burthen being laid on the inhabitants, not being owners or proprietors of lands, towards the first forming, making, and repairing the said roads, other than the statute-duty, until the same shall by the said commissioners, or the said surveyor or surveyors, be certified before the justices at their quarter-sessions for the county in which such parish shall lie, to be completely formed and made good ; which certificate the said commissioners, or the said surveyor or surveyors, shall be obliged to deliver to the said justices within two years after the award, or give sufficient reasons for further allowance of time not exceeding one other year, under certain penalties to be specified in the said bills respectively. And this is made a standing order."

N.B. This last order was repealed by an order of the 30th June 1801.

" 3d March 1800—Resolved, That in all bills of inclosure there be inserted a clause, compelling

ing the commissioners to keep at the office of their clerk, a book of accounts, open at all reasonable times during the progress of the inclosure, and till the accounts are finally settled, for the inspection of any of the proprietors; which book shall contain an entry of the particulars of all sums of money raised or expended by virtue of any powers granted by the act, under a penalty on such commissioners or their clerk, for neglecting or refusing the same; And also a clause, providing that all monies to be raised under and by virtue of the powers contained in such act, shall, as often as the same shall amount to the sum of 50l. be paid into the hands of some banker, or of such other person or persons as shall be approved by a majority in value, of such proprietors who shall be present at the first meeting of the said commissioners; and in the notice of which meeting shall be expressed the intention of then appointing such banker, or such other person or persons: And that no monies be issued out of the hands of such banker, or other person or persons, without an order of the commissioners, specifying the person to whom the same are payable, and the service for which the same are due; and that the balance, if any, upon the final settlement of accounts, shall be immediately repaid to the land,

land-owners, in proportion to the sums respectively paid by them: And also a clause, providing that the award shall be read and executed by the commissioners, in the presence of the proprietors who may attend at a special general meeting called for that purpose, of which ten days notice at least shall be given in some newspaper to be named, circulating within the county; which execution of such award shall be proclaimed the next Sunday in the parish-church, from the time of which proclamation only, and not before such award, shall be considered as complete. And this is made a standing order."

"Die Mercurii, 7 Maii 1800—Ordered by the Lords Spiritual and Temporal in Parliament assembled, That in any inclosure, road, drainage, paving, dock, or navigation bill, whenever any sum of money is under the provisions of such act to be paid for the purchase or exchange of any lands, tenements, or hereditaments, or which sum of money ought to be laid out in the purchase of other lands, tenements, or hereditaments to be settled to the same uses, provisions shall be made in the said bill, that such sum of money, not being less than the sum of 200l. be paid into the Bank of England, in the name and with the privity of the Ac-

countant-General of the court of Chancery, to be placed to his account, *ex parte* the commissioners under such particular bill, or under such other title as by the said bill shall be directed, pursuant to the method prescribed by the act of the 12th year of King GEORGE the First, c. 32, and the general orders of the said court, and without fee or reward; and shall when so paid in, there remain until the same shall, by order of the said court, upon a petition to be preferred to the said court in a summary way, be applied either in the purchase of land, tax, or towards the discharge of any debts or incumbrances affecting the said lands, tenements and hereditaments so purchased or exchanged; or until the same shall, upon the like application, be laid out in a summary way, by order of the said court, in the purchase of other lands, tenements or hereditaments, to be settled to the like uses: And in the mean time, and until such order can be made, such money may, by order of the said court, be laid out in some of the public funds, or in government or real securities: And the dividends or interest arising therefrom shall, by order of the said court, be paid to such person or persons as would for the time being be entitled to the rents and profits of such lands, tenements and hereditaments.

reditaments so to be purchased, conveyed and settled: And in case such sum of money shall be less than the sum of 200l. and shall exceed the sum of 20l. then and in such case, such sum of money shall, with the approbation of the commissioners acting under such act, or any three or more of them, be paid into the Bank of England, and applied by order of the court of Chancery in manner herein before directed, or may without any order of the court of Chancery, be paid into the hands of two trustees to be nominated by the person or persons who for the time being would be entitled to the rents and profits of the lands, tenements and hereditaments so to be purchased and settled, such nomination to be approved of by three or more of the said commissioners, and such nomination and approbation to be in writing under the hands of the persons so nominating and approving: And the money so paid to such trustees, shall by them be applied in like manner as is before directed with respect to the money so to be paid into the Bank in the name of the Accountant-General of the court of Chancery, but without any order of the said court touching the application thereof: And in case such sum of money shall not exceed 20l. then the same shall be paid to the person or persons who for the time being would be entitled to the rents

INCLOSURE AND DRAINAGE.

rents and profits of the lands, tenements and hereditaments so to be purchased and conveyed, for his, her, or their own use and benefit. And it is hereby further ordered, that if any commissioner in an inclosure or drainage bill, shall find any difficulty in obtaining a purchase in land, which may be equal in value to such sum of money not exceeding 200l. as by the said standing order is directed to be paid into the Bank to await a future purchase, or which purchase may be disadvantageous in other respects, such commissioners shall be at liberty to apply such sum of money towards the expences of such act, so far as the proportion of the party entitled to such sum shall amount to ; and if there shall be any surplus of such 200l. they may apply such surplus, after such application, in diminution of the sum allowed to be charged upon the estate for the purpose of inclosure or drainage.”

“ Ordered, That the said order be declared a standing order, and that it be entered upon the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.”

COMMONS' STANDING ORDERS,

“ 24th JUNE 1801, RESOLVED,
1st, “ That in all bills for inclosing lands or
com-

commons, which shall be presented to the House after this session of Parliament, there be inserted a clause providing what sum of money in the whole, shall be paid to each of the commissioners to be appointed by such bill, in full satisfaction of the expence and trouble which he shall incur in the execution of the trusts and powers thereby given ; or that in default of such provision being made, there be inserted a clause providing that the account of such commissioner or commissioners, containing a true statement of all sums by him or them, received and expended, or due to him or them, for their own trouble or expences, shall, at least once in every year from the date of the passing of such act till such accounts shall be finally allowed, together with the vouchers relating to the same, be examined by some person or persons in such bill to be named, and the balance by him or them stated, in the book of accounts already required to be kept in the office of the clerk of such commissioners ; and that no charge or item in such accounts shall be binding on the parties concerned, or be valid in law, unless the same shall be duly allowed by such person or persons."

" RESOLVED,

2d, " That in all such bills as above-mentioned,

tioned, provision be made, that no witness summoned to attend such commissioner or commissioners, shall be obliged to travel above eight miles from the boundary of the parish, manor, or district thereby intended to be inclosed."

"**RESOLVED,**

3d, "That in all such bills, provision be made for empowering and requiring the commissioner or commissioners named in such bills, to appoint one or more surveyor or surveyors, with or without a salary, for the first forming and completing such parts of the public carriage-roads directed to be set out and appointed by such bill, as shall be newly made, and for putting into complete repair such part of the same as shall have been previously made, and for defraying the expence of such salary, and of forming, completing and repairing such roads respectively, over and above a proportion of the statute-duty on the roads to be so repaired, either by sale of a sufficient portion of the said lands, or by a rate to be settled and apportioned by such commissioner or commissioners upon the owners and proprietors of the same: And in case of sale of such lands for the payment of the produce thereof, before the execution of the award to such surveyor or surveyors, to be accounted

counted for as herein after-directed, and for making a conditional rate upon such owners and proprietors, in case the produce of such sale should prove insufficient for the purposes aforesaid, and for subjecting such surveyor or surveyors, and his or their accounts, to the jurisdiction and controul of the justices of the peace in all respects whatever, and with the same powers of levying such rate as may by such justices be thought necessary, according to the proportions previously ascertained by such commissioner or commissioners, in like manner as if he or they had been appointed by virtue of the general highway act passed in the thirteenth year of his present Majesty; and for the repayment of any surplus that may remain in his or their hands after such roads shall be completely formed and repaired, to such persons as shall have been made liable to contribute thereto, according to the proportions above-mentioned; and for preventing any charge or burthen being laid on the inhabitants at large, except such proportion of such statute-duty as aforesaid, until the same shall by such justices in their special sessions be so ordered or directed: And for enforcing by certain penalties on such surveyor or surveyors, to be specified in such bill, the completing and repairing such roads within

within two years after the said award, unless such justices shall on sufficient cause being alledged, and proved to their satisfaction, grant a further time, not exceeding one year."

" RESOLVED,

4th, " That in all such bills, whenever any sum of money is under the provisions of such bill to be paid for the purchase or exchange of any lands, tenements or hereditaments, or of any timber or wood growing thereon, and which sum of money ought to be laid out in the purchase of other lands, tenements or hereditaments, to be settled to the same uses, provision shall be made for empowering the commissioner or commissioners named in such bill, out of such sum to defray such proportion of the expence of passing such act, and carrying the same into execution, as shall, if any, be charged upon any of the lands, tenements or hereditaments of the person or persons, body politic or corporate, trustees or feoffees, in possession of the lands, tenements or hereditaments so sold or exchanged, or on which such timber or wood actually grew ; and also the expence of any permanent improvement, such as building, sub-dividing, draining or planting, and the like, which shall in the judgment of such commissioner or commissioners

missioners be proper to be made, and shall be made under his or their direction, upon any lands to be by virtue of such bill allotted to such person or persons, body politic or corporate, trustees or feoffees respectively: And that the surplus thereof, not being less than the sum of 200l. be paid into the Bank of England, in the name and with the privity of the Accountant-General of the court of Chancery, to be placed to his account, *ex parte* the commissioner or commissioners under such particular bill, or under such other title as by the said bill shall be directed, pursuant to the method prescribed by the act of the 12th year of King GEORGE the First, chapter 32d, and the general orders of the said court, and without fee or reward, and shall when so paid in, there remain until the same shall, by order of the said court upon a petition to be preferred to the said court in a summary way, be applied either in the purchase of land-tax, or towards the discharge of any debts or incumbrances affecting the said lands, tenements and hereditaments so purchased or exchanged, or until the same shall upon the like application be laid out in a summary way, after allowing for the expences necessarily attending such purchase by order of the said court, in the purchase

of

of other lands, tenements or hereditaments, to be settled to the like uses : And in the mean time, and until such money may, by order of the said court, be laid out in some of the public funds, or in government or real securities, and the dividends or interest arising therefrom, shall by order of the said court be paid to such person or persons as would for the time being be entitled to the rents and profits of such lands, tenements and hereditaments, so to be purchased, conveyed and settled : And in case such sum of money shall be less than the sum of 200l., and shall exceed the sum of 20l., the ~~and~~ and in such case, such sum of money shall, with the approbation of such commissioner or commissioners, be paid into the Bank of England, and applied by order of the court of Chancery, in manner herein before directed, or may without any order of the court of Chancery, be paid into the hands of two trustees to be nominated by the person or persons who for the time being would be entitled to the rents and profits of the lands, tenements and hereditaments so to be purchased and settled, such nomination to be approved of by such commissioner or commissioners, and such nomination and approbation to be in writing under the hands of the person so nominating and approving ; and

and the money so paid to such trustees, shall by them be applied in like manner as is before directed with respect to the money so to be paid into the Bank, in the name of the Accountant-General of the court of Chancery, but without any order of the said court touching the application thereof: And in case such sum of money shall not exceed 20l., then the same shall be paid to the person or persons, who for the time being would be entitled to the rents and profits of the lands, tenements and hereditaments so to be purchased and conveyed, for his, her, or their own use and benefit."

"RESOLVED,

5th, "That no person shall be named in any such bills, as a commissioner, surveyor or valuer, who shall be interested in the inclosure to be made by virtue of such bill, or the agent ordinarily intrusted with the care, superintendance or management of the estate of any person so interested."

"RESOLVED,

6th, "That in all such bills there be inserted a clause, by which the commissioner or commissioners shall be required to set out the public carriage roads in such directions as shall upon the whole appear to him or them most commodious for the public, and to

ascertain the same by marks and bounds, and to prepare a map, in which such intended roads shall be accurately laid down and described, such map signed by the commissioner, if only one, or the major part of the said commissioners, to be deposited with the clerk of the said commissioner or commissioners; and as soon as may be after such carriage-roads shall have been so set out, and such map so deposited, to give notice in some newspaper to be named, circulating within that part of the county where such intended inclosure shall lie, which notice shall also be affixed upon the church-door of the parish, of his or their having set out such roads, and deposited such map, and also of the general lines of such intended carriage-roads, and to appoint in the same notice, a meeting to be held by the said commissioner or commissioners, at some convenient place in or near to the parish or township within which the inclosure is to be made, and not sooner than three weeks from the date of such notice; at which meeting any person who may be injured or aggrieved by the setting out of such roads, may attend; and if any person shall object to the setting out of the same, that then the commissioner or commissioners, together with any justice or justices of the peace, acting in

in and for the division in which such inclosure shall be made, and not being interested in the same, who may attend such meeting, shall hear and determine such objection, and the objections of any other such person to any alteration that the said commissioner or commissioners, justice or justices, may in consequence propose to make, and shall, according to their judgment upon the whole, order and finally direct how such carriage-roads shall be set out, and either confirm the said map, by re-signing the same, or make such alterations therein as the case may require: And in case such commissioner or commissioners shall by such bill be empowered to stop up any old or accustomed road passing through any part of the old inclosures in such parish, township or place, the same shall in no case be done without the concurrence and order of two justices of the peace acting in and for such division, and not interested in the repair of such roads, and be subject to an appeal to the quarter-sessions, in like manner as if the same was originally ordered by such justices as aforesaid."

" RESOLVED,

7th, " That bills for the purpose of inclosing small tracts of land, not exceeding three hundred acres, and effecting the same by

clauses usual in such bills, shall be considered as to the payment of fees, only as single bills; and that those for the inclosure of small tracts of land to be effected as above, not exceeding one hundred acres, shall be subject only to the payment of half the bill fees due on a single bill; the ad-measurement in both cases to be proved according to such form as may be prescribed by any act passed in this session of Parliament.—On the 2d July 1801, this order and the six last preceding orders, are declared standing orders.”

“On 30th June 1801—Resolved, That the first standing order of the House, of the 14th March 1781; that of the 3d March 1800; the second, third, fourth and sixth of the resolutions agreed to by the House on the 24th day of this instant June, relating to bills of inclosure; should be limited in their construction, so as only to prevent any such bill from containing clauses contrary to any such resolutions respectively: And this is made a standing order.”

“On 30th June 1801—Resolved, That all orders relating to bills of inclosure made in this session of Parliament; except so far as the same relate to the setting out of roads*, and appointing surveyors, be extended to *Ire-*

* The first standing order of the 14th March 1781, inserted in p. 68, does not extend to *Ireland*.

land.

land.—And this is declared to be a standing order."

A draft of the bill being prepared, a meeting of the proprietors should be called, at which the bill may be read over, and the terms of all parties be agreed upon, and finally adjusted. When this is accomplished, the draft of the bill should be sent to the parliamentary agent to prepare the House copy, and to get the bill printed and presented. After the bill has been presented and read a first time, it may on the fourth day after the first reading, be read a second time, and then it will be committed.

In this stage of the business it is absolutely necessary (if it has not been previously done) to tender a written or printed copy of the bill to every proprietor whose residence is known, for his consent (his signature, if it can be obtained) to the bill. The person making the above application will be required before the committee of the House of Commons, to give parole evidence of the answer which he receives from every individual proprietor; and that upon oath before the committee of the House of Lords. The answers of those who do not consent, should be taken down in writing, and the committee will judge what force they ought to have. Sometimes evasive answers are construed into a consent or a neuter. Parliament have been understood to expect the consents of as many proprietors as have amongst

them four-fifths in value of the lands to be inclosed or drained ; though there is no fixed rule in this respect ; but every person having property must be accounted for either as assenting, dissenting, neuter, or not to be found. The consents of the proprietors may be taken on different bills, either written or printed ; but it is the best and least expensive way, to take them all upon the same bill, when it can be done without inconvenience.

When a proprietor lives very distant, in order to save the expence of a personal application to him for his consent, if he be acquainted with a member of Parliament who knows his hand-writing, he may sign a print of the bill, and send it to that member ; and if such member attends the committee with the print, and identifies the signature to it, such consent has been, in several instances within my own knowledge, accepted as sufficiently given.

Still this step will be ineffectual, unless the hand-writing of the party can also be identified by some Peer at the Committee in the House of Lords ; because it must be proved at the committee in each House, that the party has been applied to, and what was his answer on the application.

Let words to the following, or like effect, be written at the end of every bill upon which any consent is taken :

We

We (or I) do consent to this bill passing into a law, subject to such alterations as Parliament may judge proper.

If any of the proprietors be abroad, it will be necessary to prepare a special power of attorney to some one to sign the bill for such as are so absent, and an affidavit of the due execution thereof must be sworn to by one of the subscribing witnesses; but a power of attorney for any person to sign the bill for a proprietor resident in England, will not be sufficient.

The committee of a lunatic's estates is incompetent to give any consent on the part of the lunatic, without the direction of the Chancellor; and therefore an application should be made to the Chancellor, who will make an order, by virtue of which the committee may sign the bill.

COMMITTEE ON THE BILL.

See supra, title, "Committee," in the Introductory Chapter, p. 48, and the standing order of the House, 15th November 1775, p. 66.

The fixing the notices (unless the petition for the bill was referred to a committee), the allegations contained in the preamble of the bill, the signatures to the consent bill, a statement of each person's property concerned in the inclosure or drainage, &c. (I mean) as to quantity and value,

are required to be proved in the manner before-mentioned, at the committee on the bill.

Some of the printed bills for the use of the members, should have the blanks filled up in them, and such alterations inserted as are intended to be proposed at the committee.

Notices At the committee, the solicitor will first be called upon to prove that the notices (unless they have been already proved before a committee on the petition) were affixed on the church-door, and the person who affixed them should attend with a copy of the notice. Next, the state of property must be proved: Almost every old proprietor in the parish can prove it, and any one will be sufficient. Then the signatures to the consent bill, and the answer of every proprietor who has not signed the bill; and lastly, the preamble of the bill must be proved. The solicitor leaves the consent bill, state of property, and a print with all the blanks filled up and the amendments made in it, with the committee clerk, to enable him to make out the report, &c.: But the consent bill and state of property must be procured again from the committee clerk, as they will be wanted at the committee in the House of Lords.

The above has hitherto been the mode of proving the several facts usually required by Parliament on the passing of such bills; but at the close of the last session, an act of Parliament was passed,

passed, for facilitating the proving of the above facts, as far as relate to inclosure acts: And on the 30th June 1801, the House of Commons made the three following standing orders:

“ RESOLVED,

“ That all persons concerned in interest in any bill for inclosing any lands or grounds, or for extinguishing any right of common therein, may signify their consent to the same by affidavit, taken and authenticated according to the form prescribed in the schedule to a bill entitled “ An act for consolidating in one act certain provisions usually inserted in acts of inclosure, and for facilitating the mode of proving the several facts usually required on the passing of such bills,” unless the committee to whom the petition or bill for such inclosure or improvement shall be referred, shall otherwise order.”

“ RESOLVED,

“ That the committee to whom any petition or bill for the inclosing any lands or grounds, or for extinguishing any right of common thereon, shall be referred, may admit proof of the notices required by the standing orders of this House, and of the allegations in the preamble of such bill, by affidavit taken and authenticated according to the form prescribed

Notices

Allegations

scribed in the schedule to the said bill, unless such committee shall otherwise order."

" RESOLVED,

" That the second standing order of the House, of the 14th March 1781, That, &c. (repeating the order, as before set forth in p. 68 and 69) be repealed."

" RESOLVED,

" That the three last resolutions shall not take effect unless the said bill shall pass into a law.

" These resolutions are made standing orders of the House."

The bill referred to by the above orders, passed on the 2d July 1801, and contains *inter alia* the following clause :

" And be it further enacted, That it shall and may be lawful for any two or more justices of the peace, to take affidavits on oath or affirmation (which oath or affirmation such justices are hereby authorized and empowered to administer) of the notices required for such bills having been given, of the consents of the parties interested therein, of the allegations contained in the preambles of such bills, and of the quantity of the land to be inclosed; and that such affidavits shall respectively be in the forms contained in the schedule hereunto annexed, as near as the cir-

circumstances of the case will admit ; and that such affidavits shall not be subject or liable to any stamp-duties whatsoever."

For forms of affidavits, &c. see schedule to the act.

The report from the committee is seldom made until the day after the sitting of the committee : In pressing cases it is sometimes made the same day, when there is no opposition to a bill.

It does not occur to me, that there are any future proceedings upon inclosure or drainage bills, but what may be easily collected from the observations in the Introductory Chapter.

See 28 C.J. 471, where on the third reading of a bill, a person was called into the House and examined, to prove that the trustee for an infant, who it was stated in the report from the committee, could not be met with in order to be personally applied to, but had a copy of the bill left at her dwelling-house, and that at the time the copy of the bill was left there, she was actually at her own dwelling-house, and that she was apprized of the contents of the bill early enough to have opposed it.

In 28 C.J. 1085, 1092, persons are examined at the bar on the third reading of a bill, with relation to consents not before given to bills for inclosing commons, &c.

HOUSE OF LORDS.

The bill, which is now entitled an act, being brought up into the House of Lords, is read a first time upon the same day on which it is brought up, as a matter of course. Prints of the bill must be left with the clerk at the Parliament-office in Abingdon-street, to be laid on the table in the House of Lords, and if there be no opposition to the bill, it may be read a second time the day following, a Lord being requested to move it: And upon the second reading, it may be committed for the day next after the following day, if the House should sit upon that day; if not, for the first day it shall sit, or for any subsequent day that may suit the convenience of all parties.

The bill being read a second time, the witnesses may be sworn that day, or any subsequent day, to give evidence before the committee.

COMMITTEE.

It is not necessary to prove the notices being affixed, as at the Commons; but the state of property, consents of the proprietors, and the allegations contained in the preamble of the bill, must be again proved in this House by parole evidence, the witnesses being previously sworn at the bar of the House.

Such

State of property.

Consents.

preamble.

Such have been the proofs hitherto required to be given; and I do not find that the Lords have made any standing order that they will dispense with those proofs. The act just alluded to, ~~merely~~ empowers certain justices of the peace to administer particular affidavits. It does not enact that those affidavits shall be evidence before either House of Parliament: And therefore until the House of Lords make some further order on the subject, I apprehend they will require the same proofs as they did before the passing of that act.

What has been said of proceedings in this House, in the Introductory Chapter (to which the reader will please to refer) renders any further remarks in this Chapter unnecessary.

Cases decided respecting Inclosures, and Public Acts of Parliament relating thereto.

The several public acts of Parliament now in force, enabling parties, owners and occupiers of wastes, woods, and pastures, and commons, and common-fields, to inclose by agreement between themselves for a limited period, are 29 GEO. II. c. 36 (explained and amended by 31 GEO. II. c. 41) 13 GEO. III. c. 81.

See the cases of Duberley v. Page, 2 T.R. 391, 2; Rewell v. Joddrell, ibid. 415; Townley v. Gib-

v. Gibson, *ibid.* 701; *Glover v. Lane*, 3 T.R. 445; *Clarkson v. Woodhouse*, 5 T.R. 412; *Rex v. Inhabitants of Cottingham*, 6 T.R. 20; *Shakespear v. Peppin*, *ibid.* 741; *Com. Dig.* 3 v. p. 28.

CHAP. II.

—
TURNPIKE-ROAD BILLS.

BILLS for making a turnpike-road, or for the renewal or alteration of any act of Parliament passed for that purpose, should originate in the House of Commons; and before an application be made to Parliament for any of the above purposes, notices should be given at the time and in the manner required by the following standing orders :

NOTICES.

“On the 25th April 1774—Resolved, That before any petition is presented to this House for making a turnpike-road, or for the renewal or alteration of any act of Parliament passed for that purpose, notice of such intended application to Parliament be given at the general quarter-sessions of the peace, which shall be held for every and each county or district through which such road passes, or is intended to pass, at the Michaelmas imme-

immediately preceding the session of Parliament in which such petition is to be presented."

" On the 25th April 1774—Resolved, That this notice be given by affixing to the door of the sessions-house where such general quarter-sessions are held, a printed or written paper, describing the parishes through which the said road passes, or is intended to pass; and that such notice be also printed in some one newspaper of the county; or, if there is no such paper printed for that county, then in the newspaper of some near or adjoining county, three times at least, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such petition is to be presented.

" This and the former resolution declared to be standing orders."

A general form for the notices, and other precedents for Chap. II. are inserted in the Appendix (B).

PETITION.

When the notices required by the foregoing orders have been given, a petition signed by some of the principal owners and occupiers of estates, through or near which the road is intended to be made, in case the application to Parliament be to make

make a new turnpike-road, or if to renew a former act or acts, then by some of the commissioners appointed under or by virtue of such act or acts, should be presented to the House, for leave to bring in the bill: And to a petition to make a new road, or to raise a further sum for that purpose, an estimate of the proposed expence of such undertaking, signed by the person or persons making the same, together with an account of the money subscribed for carrying the said work into execution, and the names of the subscribers, with the sums respectively subscribed by them, must also be annexed, agreeable to the following order:

“ On the 25th April 1774—Resolved, That when any petition is presented to this House for making a new turnpike-road, or for raising a further sum for that purpose, there be annexed to the said petition, an estimate of the proposed expence of such undertaking, signed by the person or persons making the same, together with an account of the money subscribed for carrying the said work into execution, and the names of the subscribers, with the sums respectively subscribed by them. This is made a standing order.”

“ On the 15th November 1775—Resolved, That when any petition for a turnpike-road, or for renewing or altering any act of Parliament passed for that purpose, hath been presented

to the House, the committee to whom the said petition shall be referred, do examine in the first place, how far the orders contained in the three former resolutions have been complied with; and the chairman of such committee shall report the same to the House on the report of the petition. On the 22d November 1775, this is made a standing order."

When the petition has been presented, it will be referred to a committee, agreeable to the standing order of the 28th February 1734, supra, p. 23. See also the standing order of the 5th May 1773, supra, p. 30.

At the committee, the solicitor will be called upon to prove that the standing orders of the 25th April 1774, have been complied with; for that purpose, the person who affixed the notice on the session-house door, should attend at the committee with a copy of it; and the three country newspapers in which the notices were inserted, should be produced to the committee. If an estimate of the expences be annexed to the petition, the signature of the person making such estimate must be proved, as also the allegations of the petition: And in case any former act or acts be stated in the petition, a copy of the last act printed by the King's printer, in which the former acts are recited, should also be produced. Vide supra, pp. 26, 34, as to the report from the committee, and leave to bring in the bill.

BILL.

BILL.

In the bill, the provisions required by the following standing orders must be made :

“ On the 12th March 1752—Resolved, That in all future bills for acts of Parliament for the erecting or continuing any turnpike, a clause be inserted, to oblige the commissioners of such turnpike to take security from their treasurer or receiver, for the faithful execution of the said office. This is made a standing order.”

“ On the 12th March 1752—Resolved, That in all such bills, a clause be inserted, to prevent any person who shall be nominated a commissioner, from acting or voting in the business of the said turnpike, unless he shall be possessed of an estate in land, or a personal estate, to such certain value as shall be specified in such bills. This is made a standing order. And on the 14th March 1753, this is extended to the heirs apparent of persons possessed of an estate in land to a certain value to be specified : And this is made a standing order.”

“ On

* See a clause in the general turnpike act, relative to the qualification of commissioners.

See acts passed in the 13th, 14th, 17th, 18th, and 21st

“ On the 25th April 1774—Resolved, That in all bills for making a new turnpike-road, there be inserted a clause, compelling the subscribers for carrying such work into execution, to make payment of the sums severally subscribed by them. This is made a standing order.”

“ On the 25th June 1799—Resolved, That the standing orders of the House, of the 7th May 1794, relating to bills for making navigable canals, aqueducts, and the navigation of rivers, or for altering any act of Parliament for any or either of those purposes, be extended to bills for making any ways or roads, commonly called rail-ways or dram-roads, except so much of the said standing orders as requires an interval of seven days between the first and second reading of such bills ; and also between the day on which such bills are reported and the day on which the report shall be taken into consideration ; and also with respect to the printing of such reports. And this is made a standing order.”

years of King GEORGE the Third, relative to turnpike-roads in general.

By 25 Geo. III. c. 57, the mail is exempted from paying any tolls ; and by same stat. c. 58, all such parts of any act of Parliament relative to any turnpike-road passed before the 5th December 1782, as exempt any writings or deeds liable to the stamp-duties from being stamped, are repealed.

• See 13 Geo. III. c. 84, s. 35.

See

See Navigation, *infra*, for precedents and proceedings on bills for making rail-ways.

See the standing order of the House of Lords, 7 Maii 1800, *supra*, p. 71.

See the Introductory Chapter.

It only seems necessary here to add, that the solicitor must prove the allegations in the preamble of the bill, in both Houses at the committee.

Cases decided respecting Turnpike-Roads.

See case of the King against the Inhabitants of Sheffield, 2 T.R. 106; the King against the Commissioners of the Llandilo district of roads in Carmarthenshire, *ibid.* 232; Fairtitle, on the several demises of Mytton and others, against Gilberts and others, *ibid.* 169; Banks v. Booth, 2 Bos. and Pul. Rep. 219; Chamberlain v. Ingham, Cowper's Rep. 966; the King v. the Mayor, &c. of Liverpool, 4 Burr. 2244; King v. Manning, 1 Burr. 377; the King v. Bagshaw and others, 7 T.R. 363.

See 2 v. Williams' Justice, title, "Highways."

CHAP. III.

NAVIGATION, &c. BILLS.

BILLS of this description should be begun in the House of Commons, and notices must be given three times in the London Gazette, and also in one newspaper of every county through which the navigation or canal is intended to be made or pass (or if there be not any newspaper printed in such counties respectively, then in the newspaper of some county near or adjoining thereto), three times at the least, in the months of August or September, or either of them, immediately preceding the session of Parliament in which such application is intended to be made; and also at the general quarter-sessions of the peace for each county, riding, or division, through which the canal, &c. is intended to be carried, varied or altered, at the Michaelmas preceding the session of Parliament in which such application is intended to be made, by affixing such notice on the door of the session-houses respectively; and a map or plan of the canal, with a book of reference, containing the names of the owners or reputed owners and

and occupiers of the lands through which the canal is intended to pass, must be deposited at the office of the clerk of the peace for each county, riding, &c. on or before the 30th day of September immediately preceding the application to Parliament. The following are the standing orders of the House of Commons, by which the notices, &c. are required: And there are standing orders of the House of Lords to the same effect, which see, infra. See Appendix (c) for Precedents.

NOTICES, &c.

1st, "On the 7th May 1794—Resolved, That when any application is intended to be made to the House, for leave to bring in a bill for making any cut or canal for the purposes of navigation, or any cut, canal or aqueduct, for the purpose of supplying any city, town, or place with water, or for varying or altering any such cut, canal or aqueduct already made, or for making or improving the navigation of any river, or for altering any act of Parliament passed for any or either of those purposes, in which bill for altering any such act, it is intended to give power for raising any further or additional rates, tolls or duties, or for varying the line of such canal, notice of such intended application shall be inserted three times in the London Gazette,

in the months of August and September, or either of them, immediately preceding the session of Parliament in which such application is intended to be made; and that such notice shall also be inserted in some one newspaper of every county through which any such cut, canal or aqueduct is intended to be carried, or in which such cut, canal or aqueduct already made, is intended to be varied or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated; or if there is not any newspaper printed in or for such counties respectively, then in the newspaper of some county near or adjoining thereto, three times at the least, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such application is intended to be made; and that such notice shall also be given at the general quarter-session of the peace which shall be holden for every and each county, riding, or division, through which any such cut, canal, or aqueduct is intended to be carried, or in which such cut, canal or aqueduct already made, is intended to be varied or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situ-

situated, at the Michaelmas preceding the session of Parliament in which such application is intended to be made, by affixing such notice to the door of the session-houses respectively where such general quarter-sessions shall be holden.”

2d, “On the 7th May 1794—Resolved, That such several notices shall contain the names of the parishes and townships^b into, or through which any such cut, canal or aqueduct is intended to be carried, varied, or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated.”

3d, “On the 7th May 1794—Resolved, That a map or plan of such intended cut, canal, aqueduct or navigation, and also of any intended alteration in any cut, canal, aqueduct or navigation already made, shall be deposited for public inspection at the office of the clerk of the peace of every county, riding, or division, through which such cut, canal, aqueduct or navigation, is intended to be carried, or such alteration is intended to be made, on or before the 30th day of Sep-

* None of the standing orders relating to navigation bills, are extended to *Ireland* by any express order of the House.

^b See standing order of the Lords, infra.

tember previous to the session of Parliament in which such application is intended to be made; which map or plan shall describe the line of such intended cut, canal, aqueduct or navigation, or of such intended alteration, and the lands through which the same is intended to be carried, together with a book of reference, containing a list of the names of the owners, or reputed owners and occupiers of such lands respectively."

"On the 7th May 1794—Resolved, That the clerks of the peace, or their respective deputies, do make a memorial in writing, upon the plan and book of reference deposited with them, in manner aforesaid, denoting the time at which the same was lodged in their respective offices, and do at all seasonable hours of the day permit any person to view and examine the same, and to make copies or extracts therefrom, such person paying for the same the usual and accustomed fees paid to such clerks of the peace for the inspection and copying of, or making extracts from, records in their respective offices."

"On the 7th May 1794—Resolved, That before any application is made to the House for any or either of the purposes aforesaid, a previous application shall be made to the owners, or reputed owners and occupiers of the

the lands through which any such cut, canal, aqueduct or navigation is intended to be carried, or any such alteration is intended to be made, and that separate lists shall be made, of the names of such owners and occupiers, distinguishing which of them, upon such application, have assented to, or dissented from, such intended cut, canal, aqueduct or navigation, or such alteration, or are neuter in respect thereto."

"On the 7th May 1794—Resolved, That whenever any petition is presented to the House, for any or either of the purposes aforesaid, there shall be presented with such petition, the lists mentioned in the last preceding resolution, and also a duplicate of the map or plan so to be deposited at the office of the clerk of the peace as aforesaid."

"On the 16th June 1795—Resolved, That before an application is made to the House for the purposes set forth in the 1st, 2d, and 3d resolutions of the 7th May 1794, relating to navigable canals, aqueducts, and the navigation of rivers, a previous application shall be made to the owners and occupiers of the lands in which any reservoir is intended to be made or erected, and through which any channel or conveyance is intended

intended to be made for the purposes of feeding or supplying with water from the said reservoirs, any such cut, canal, aqueduct or navigation: And that separate lists shall be made of such owners and occupiers, distinguishing which of them have assented to, or dissented from, the making or erecting any such reservoirs or channels therefrom, for the purposes above specified, or are neuter in respect thereto: And that the chairman of the committee to whom the petition for making any such cut, canal, aqueduct or navigation, is referred, do report the same to the House.”

PETITION.

Before any petition be presented to the House, a previous application must be made to the owners, or reputed owners and occupiers of the lands through which the canal, &c. is to be cut or made, and a list of the names of such owners and occupiers must be prepared, distinguishing which of them, upon such application, have assented to, or dissented from, such intended canal, &c. or are neuter in respect thereto; and such list, with a duplicate of the map or plan, must be annexed to the petition, as above directed,

rected, and an estimate of the proposed expence of such undertaking (in cases where provision is intended to be made for raising money to defray such expence), signed by the person or persons making the same ; and if it be proposed to raise such money by subscription, the names of the subscribers, and the sums by them respectively subscribed, must also be annexed to the petition to be presented for leave to bring in the bill, in compliance with the order next following.

“ On the 7th May 1794—Resolved, That whenever any petition is presented to the House, for making, varying, or altering any such cut, canal, or aqueduct as aforesaid, or making or improving the navigation of a river, there be annexed to the said petition, an estimate of the proposed expence of such undertaking (in cases where provision is intended to be made for raising money to defray such expence), such estimate to be signed by the person or persons making the same ; and if such money is proposed to be raised by subscription, that there be also annexed to the said petition, an account of the money subscribed for that purpose, and the names of the subscribers, with the sums by them subscribed respectively.”

“ On the 7th May 1794—Resolved, That whenever any petition has been presented to the House for the purposes aforesaid, or any

or

or either of them, the committee to whom such petition shall be referred, do examine in the first place, how far the orders contained in the preceding resolutions have been complied with, and do report the same at the time when they report the matter of any such petition, as it shall appear to them, to the House."

The petition being fairly engrossed, should be signed by some of the principal promoters of the undertaking, and such of the documents before mentioned, as the particular case may require, should be thereto annexed. When the petition is presented, it will be referred to a committee to be considered, before whom the allegations thereof must be proved; and also how far the foregoing standing orders have been complied with. The Gazettes and provincial papers in which the notices are printed, should be produced, and the person who affixed the notice on the door of the session-house, should attend with a copy of it.

The person who left the plan and book of reference with the clerk of the peace for the county, should also appear to prove those facts. The hand-writing of the person or persons to the estimate, and the answers received on the application to the different owners and occupiers of estates through which the intended canal, &c. is to be made, must also be proved by parole evidence.

For

For the further proceedings on petitions referred to committees, see the Introductory Chapter, *supra*, p. 22.

BILL^c.

“ On the 7th May 1794—Resolved, That in all bills presented to the House for any or either of the purposes aforesaid, provision be made for compelling the persons who have subscribed towards carrying any such work into execution, to make payment of the sums severally subscribed by them; and also to oblige the commissioners or trustees to take security from their treasurer, receiver, or collector, for the faithful execution of his office.”

See standing order of the House of Lords, 7 Maii 1800, *supra*, p. 71.

After the bill has been presented and read a first time, it cannot be read a second time until the eighth day after the first reading.

“ On the 7th May 1794—Resolved, That there be seven days between the first and second reading of such bills.”

The bill having been read a second time and committed, the next thing to be attended to is the following order :

^c See 8 GEO. II. c. 20, (made perpetual by 27 GEO. II. c. 16); 4 GEO. III. c. 12; 7 T. R. 36, *Huddersfield Canal Company v. Buckley*.

“ On

“ On the 7th May 1794—Resolved, That all persons, owners or reputed owners and occupiers of the land through which any such cut, canal, aqueduct or navigation, is intended to be carried, or any such alteration is intended to be made, do personally attend the committee to whom such bill shall be committed, or if they do not personally attend, do give their certificate in writing, signifying that they have seen a printed copy of the said bill, and do give their consent or dissent thereto, or declare themselves neuter in respect thereof; and that the hand-writing of such owner or occupier to such certificate, be proved by one or more witnesses before the said committee; and that the said committee shall report to the House, together with the report of the said bill, a list of the names of such persons who shall appear to them to have given such assent or dissent, or to have been neuter in respect to the said bill.”

At the committee, the allegations in the preamble of the bill, and the answers, on the application for the consents of the parties interested, must be proved by parole evidence.

What has been observed in Chap. I. respecting the consents of parties, renders it unnecessary to add any further observations on the last-mentioned order, unless it be, that by an order of the House

of

of Lords, of 11th March 1793, the person applying to the parties for their consent, is required to shew to every person interested in the land through which the canal, &c. is to be made, a map or plan, in which the line of the canal is described.

“ On the 7th May 1794—Resolved, That there be seven days between the day on which such bill is reported to the House, and the day when the said report shall be taken into consideration.”

“ On the 7th May 1794—Resolved, That after such bill is reported to the House, the bill, as amended by the committee, be printed at the expence of the parties applying for the same, and be delivered at the door to the members of the House, three days at least before such report shall be taken into consideration.”

When the bill has passed through the committee, it must be printed as amended, and the prints thereof left with the door-keepers three days before the report can be taken into consideration; and a copy of the list of the owners and occupiers of lands who have assented, dissented, or are neuter in respect to the bill, should be made, to go up with the report. When the report is made from the committee, it will be ordered to lie on the table; and on the eighth, or any subsequent day after that on which the report was made, the member who made the re-

port should be requested to move that the report may be taken into consideration. The further proceedings in the House of Commons are then the same as on other private bills.

HOUSE OF LORDS.

Before the bill is brought up from the House of Commons, care should be taken to comply with the following standing orders :

“ Die Lunæ, 11 Martii 1793—Ordered by the Lords Spiritual and Temporal in Parliament assembled, That no bill for making any cut or canal for the purposes of navigation; or any cut, canal or aqueduct for the purpose of supplying any city, town or place with water; or for varying or altering any such cut, canal or aqueduct already made; or for making or improving the navigation of any river; or for altering any act of Parliament passed for any or either of those purposes, shall be read a third time in this House; unless notice shall have been inserted three times in the London Gazette, in the months of August and September, or either of them, previous to the session of Parliament in which such bill shall be brought into Parliament, that an application was intended to be made to Parliament to obtain such bill: And unless such notice shall also have been inserted in some one news-

newspaper of every county through which any such cut, canal or aqueduct is intended to be carried, or in which such cut, canal or aqueduct already made, is intended to be varied or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated ; (or if there be not any newspaper printed in such counties respectively, then in the newspaper of some county near or adjoining thereto), three times at the least, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such application is intended to be made: And unless such notice shall also have been given at the general quarter-session of the peace which shall have been holden for every and each county, riding or division through which any such cut, canal or aqueduct is intended to be carried, or in which such cut, canal or aqueduct already made, is intended to be varied or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated, at Michaelmas preceding the session of Parliament in which such application is intended to be made, by affixing such notice on the door of the session-

house of each and every such county where such general quarter-session shall be holden."

"Ordered, That such several notices shall contain the names of the parishes and townships *(and of no other)* into, or through which any such cut, canal or aqueduct is intended to be carried, varied or altered, or in which such river, or such part thereof as is intended to be made navigable, or the navigation thereof to be improved, is situated."

"Ordered, That no bill for all or any of the purposes aforesaid, shall be read a third time in this House, unless previously to such bill being brought to this House from the Commons, a map or plan of such intended cut or canal, aqueduct or navigation, or of any intended alteration in any cut, canal, aqueduct or navigation already made, as the case may be, shall have been deposited with the clerk of the Parliaments; in which map or plan shall be described the line of such intended cut, canal, aqueduct or navigation, or of such intended alteration, and the lands through which the same is intended to be carried, together with a book of reference, containing a list of the names of the owners or reputed owners, and also of the occupiers of such lands respectively: And that there be also annexed to the said map or plan, an estimate of the expense

pence of such undertaking, in cases where provision is intended to be made for raising money to defray such expence; such estimate to be signed by the person or persons making the same: And if such money is proposed to be raised by subscription, that there be also annexed to the said map or plan, an account of the money subscribed for that purpose, and the names of the subscribers, with the sums by them subscribed respectively."

"Ordered, That no bill for all or any of the purposes aforesaid, shall be read a third time in this House, unless previously to such bill being brought to this House from the Commons, application shall have been made to the owners or reputed owners, and also to the occupiers of the lands through which any such cut, canal, aqueduct or navigation is intended to be carried, or any such alteration is intended to be made, for the consent of such persons respectively; and unless such map or plan as aforesaid, or a duplicate thereof, shall at the time of such application have been shewn to them respectively; and unless separate lists shall have been made of the names of such owners and occupiers, distinguishing which of them, upon such application, have assented to, or dissented from, such intended cut, canal, aqueduct or

navigation, or such alteration, or are neither in respect thereof; and unless such list shall be deposited with the clerk of the Parliaments at the same time as the map or plan, and book of reference mentioned in the preceding order."

"Ordered, That in case any bill for all or any of the purposes aforesaid, shall contain a clause to empower the person or persons who shall make such cut, canal, aqueduct or navigation as aforesaid, or any part thereof, to vary or deviate from the line particularly described in the map or plan deposited as aforesaid with the clerk of the Parliaments, such bill shall not be read a third time in this House, unless a like application shall have been made to the owners, or reputed owners and occupiers of the lands through which such cut, canal, aqueduct or navigation might pass, by virtue of the power so given to alter or vary the line thereof; and unless a like list as aforesaid, of such owners, or reputed owners and occupiers, be deposited at the time and in the manner aforesaid, with the clerk of the Parliaments, as if it had been originally proposed to carry such cut, canal, aqueduct or navigation through the lands of such persons respectively."

"Ordered, That for the future, when any bill for all or any of the purposes aforesaid, shall

be

be sent by this House to a committee, there shall be at the same time transmitted to such committee, a copy of the aforesaid orders now made, and of all other standing orders of the House then in force, relating to the passing of such bills; and such committee shall examine in the first place, whether the orders aforesaid have or have not been complied with, and shall report the same to the House."

"Ordered, That the said orders be declared standing orders, and that they be entered upon the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same."

After these orders have been complied with, the engrossed bill may be brought from the Commons, and it will be read a first time the same day; but before the bill can be read a second time, the map or plan must be engraved or printed, agreeable to the following standing order:

"Die Jovis, 18 Junii 1795—Upon report from the Lords' committees appointed to consider of the standing orders of this House,

"It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That previous to the second reading in this House of any bill for making any navigation, aqueduct, cut or canal, or for improving the

same, the map or plan of the said navigation, aqueduct, cut or canal, which is directed to be lodged in the Parliament-office by the standing order, No. 132, shall be engraved or printed, upon a scale of half an inch at least to a mile, and annexed to the printed copies of the bill, and shall be laid upon the table of this House.”

“Ordered, That the said order be declared a standing order, and that it be entered upon the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.”

If the map be engraved or printed, and annexed to the bills laid on the table, the bill may have its second reading the day after it was read a first time (if there be no opposition), and then be committed.

The only further observations which seem necessary to be made here, relate to the evidence required to be produced before the committee on the bill; and with those I shall conclude this Chapter.

At the committee, the allegations in the preamble of the bill must be proved; the Gazettes and provincial papers in which the notices required by the foregoing orders are printed, should be produced, and the person who affixed the notice

tice on the door of the session-house, should attend with a copy of it.

It must also there be proved, that a list of the owners and occupiers of estates through which the canal, &c. is intended to be made, with the answers given by them on the applications for their consents; that the map and book of reference, an estimate of the expences of the undertaking, the names of the subscribers, and the amount of their subscriptions, were severally deposited with the clerk of the Parliaments, agreeable to the standing orders, and that the signature of the person or persons to such estimate, is of his or their own proper hand-writing.

The persons who applied to the different parties interested, for their consents, must attend the committee, to prove the answers which they received on such applications.

CHAP. IV.

BRIDGES, BUILDING OF, &c.

BILLS for these purposes, should be begun in the House of Commons, and the notices required by the following standing orders, must be given previously to the introduction of the bill. See forms, Appendix (D).

“ On the 23d May 1786—Resolved, That before any petition is presented to this House for erecting a bridge, or for the renewal or alteration of any act of Parliament passed for that purpose, notice of such intended application to Parliament be given at the general quarter-sessions of the peace which shall be held for every and each county or district to which such bridge extends, or is intended to extend, at the Michaelmas immediately preceding the session of Parliament in which such petition is to be presented. This is made a standing order.”

“ On the 23d May 1786—Resolved, That this notice be given, by affixing to the door of

of the session-house where such general quarter-sessions are held, a printed or written paper, describing the parishes to which the said bridge extends, or is intended to extend; and that such notice be also printed in some one newspaper of the county, or if there is no such paper printed for that county, then in the newspaper of some near or adjoining county, three times at least, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such petition is to be presented. This is made a standing order."

"On the 23d May 1786—Resolved, That when any petition for a bridge, or for renewing or altering any act of Parliament passed for that purpose, hath been presented to the House, the committee to whom the said petition shall be referred, do examine in the first place, how far the orders contained in the two former resolutions have been complied with; and the chairman of such committee shall report the evidence upon such examination to the House, on the report of the petition. This is made a standing order."

PETITION.

The petition will be referred to a committee, before whom must be produced the newspaper in which the notices required by the above orders are printed; and the affixing the notice on the session-house door, as well as the allegations of the petition, must be proved by parole evidence before the committee.

There is no other standing order of either House of Parliament peculiar to bills of this description; and the further proceedings thereon may be collected from the Introductory Chapter.

See public acts passed relating to Bridges: Magna Charta, 9 Hen. III. c. 15; 22 Hen. VIII. c. 5; 22 Cha. II. c. 12; 5 and 6 William and Mary, c. 11; 1 Anne, stat. 1, c. 18; 12 Geo. II. c. 29; 14 Geo. III. c. 38.

See 1 vol. Williams' Just. title, "Bridges."

CHAP. V.

BILLS FOR THE MORE EASY RE-
COVERY OF SMALL DEBTS.

THERE is no notice required to be given of the application to Parliament for these bills, but such bills must contain certain provisions, which are required by the following standing orders of the House of Commons to be made. therein.

“ On the 2d February 1787—Resolved, That in all bills for constituting courts for the recovery of small debts, provision be made, that no person shall be committed to prison by such courts for more than twenty days, where the debt does not exceed 20s. ; nor for more than forty days, where the debt does not exceed 40s. ; and that every person so committed, shall be discharged at the expiration of the said twenty days or forty days respectively, without paying any fees to any gaoler or turnkey. This is made a standing order.”

“ On the 2d February 1787—Resolved, That in

in all bills for constituting courts for the recovery of small debts, there be inserted a clause, that no person shall be capable of acting as a commissioner, unless such person shall be a householder within the county, district, city, liberty, or place for which he shall act, and shall be possessed of a real estate of the annual value of 20l., or of a personal estate of the value of 500l. This is made a standing order."

"On the 2d February 1787—Resolved, That the committee to whom any bill for constituting courts for the recovery of small debts shall be committed, do examine in the first place, how far the orders contained in the two preceding resolutions have been complied with; and the chairman of such committee shall report the same to the House on the report of such bill. This is made a standing order."

The three last-mentioned orders are not extended to *Ireland*.

The Introductory Chapter will furnish sufficient instructions for obtaining an act of the above description. See Appendix (g) for forms of Petitions, &c.

CHAP. VI.

BILLS FOR PAVING, &c. CITIES OR TOWNS.

A BILL for this purpose should be begun at the House of Commons*, and previous notice of the intended application should be given, agreeable to the following standing orders.

“ On the 20th May 1791—Resolved, That before any petition is presented to this House, for paving, lighting, cleansing or improving any city or town, or for the renewal or alteration of any act of Parliament passed for that purpose, notice of such intended application to Parliament be given at the general quarter-sessions of the peace which shall be held for the county in which such city or town shall be situate, at the Michaelmas immediately preceding the session of Parliament in which such petition is to be presented. This is made a standing order.”

* See 8 v. C. J. 311, 602.

“ On

"On the 20th May 1791—Resolved, That this notice be given by affixing to the door of the sessions-house where such general quarter-sessions are held, a printed or written paper, declaring that such application will be made, and that such notice be also printed in some one newspaper of the county, or if there is no such paper printed for that county, then in the newspaper of some near or adjoining county, three times at least, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such petition is to be presented. This is made a standing order."

See standing order of the House of Lords, 7 May 1800, supra, p. 71.

There are no other standing orders applicable to this Chapter in particular; and it is presumed, that the method of proceeding may, without difficulty, be collected from the foregoing Chapters, so that any repetition here will be useless.

See the forms for Notices and Petitions in Appendix (F).

See cases of Leader Wo. v. Moxton and others, 3 Wils. Rep. 461, 2 Blac. Rep. 924; the Governor and Co. of the British Cast-Plate Manufacturers against Meredith and others, 4 T. R. 794.

CHAP. VII.

BILLS FOR CONFIRMING OR PRO- LONGING THE TERM OF LET- TERS PATENT,

FOR the most part, are begun in the House of Commons, and a previous notice of the application to Parliament is required by the following standing order.

“ On the 30th June 1801—Resolved, That before any petition be presented to this House, for confirming or prolonging the term of letters patent granted by his Majesty to any person or persons, on account of any invention, notice of such intended application shall be inserted three times in the London Gazette, and also three times in one of the Edinburgh papers, where the letters patent extend to *Scotland*; and also three times in the Dublin Gazette, where the letters patent extend to *Ireland*, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such application is

intended to be made ; and that such notice shall have prefixed to it, in capital letters, the name by which the invention is usually distinguished, and shall contain a distinct description of the invention for which such letters patent have been obtained, and also an account of the term. of their duration ; and that the chairman of the committee to whom the petition for confirming or prolonging the term of such letters patent is referred, do report to the House, how far the order contained in the said resolution has been complied with."

See standing order 1st May 1798, form of Notice, Appendix (G).

To the petition to be presented to the House, a true copy of the letters patent must be annexed.

"On the 13th May 1690—Ordered, That when any bill shall be brought into this House for confirming of letters patent, there be a true copy of such letters patent annexed to the bill : And that this be declared to be a standing order."—(Not extended to *Ireland*).

PETITION.

The petition for a bill of this description, will be referred to a committee to be considered, before whom the Gazettes, and provincial papers in which the notices were printed, as also the original

ginal letters patent, must be produced, and the allegations of the petition proved by parole evidence. If it be the opinion of the committee, that the prayer of the petition is reasonable and proper to be granted, they will come to resolutions to that effect, and the chairman will report to the House the evidence given before the committee, and their opinion thereupon.

For further instructions, see the Introductory Chapter, *passim*. Vide also 5 vol. Com. Dig. title, "Patent."

CHAP. VIII.

DIVORCE BILLS*

MUST be begun in the House of Lords; and for that purpose a petition must be presented, signed by the party applying for the divorce; and at the same time that the petition is offered, an official copy of the proceedings, and of a definitive sentence of divorce *a mensd et thoro* in the Ecclesiastical court, at the suit of the party desirous to present such petition, must be delivered upon oath at the bar of that House, in conformity to the following order.

“ Die Mercurii, 28 Martii 1798—Ordered by the Lords Spiritual and Temporal in Parliament assembled, That for the future no petition for any bill of divorce shall be presented to this House, unless an official copy of the proceedings, and of a definitive sentence of divorce *a mensd et thoro* in the Ecclesiastical court, at the suit of the party desirous to present such petition, shall be de-

* See Appendix (H).

livered

livered upon oath at the bar of this House at the same time."

As the allegations of a petition will vary according to the circumstances of each particular case, only a single form of a petition is inserted in the Appendix ; the allegations of which may be altered as circumstances may require.

Immediately after the petition has been received, and leave given, the bill may be presented, and will be read a first time the same day, and ordered to be read a second time on some future day (generally the next day fortnight) ; and the usual orders will be made, that notice be affixed on the doors of the House of Lords^b, and the Lords be summoned ; and that the party applying for the divorce, may be heard by his counsel at the second reading, to make out the truth of the allegations of the bill ; and that the party against whom the divorce is sued for, may have a copy of the bill ; and that notice be given to the party, of the second reading ; and that he or she may be at liberty to be heard by counsel, what he or she may have to offer against the said bill at the same time. In this stage of the bill, the House may be moved for orders that witnesses whose testimony may be necessary to support the allegations in the bill, do attend the House on the second reading.

^b The clerk at the Parliament office affixes these notices.

These orders, with an office copy of the bill, must be obtained from the Parliament office, and copies of the orders served on the different parties. The person who is to serve the office copy of the bill, should attend at the Parliament office, to examine it with the original bill. It sometimes happens, that the party upon whom the office copy of the bill is ordered to be served, is beyond the seas, or secretes himself or herself to evade the service: in such cases, a petition must be presented to the House, noticing the former order for service of the bill, and the order for the second reading, and stating that the party is beyond the seas, and resident at such a place; or that endeavours have been made to serve the party, without being able to effect it, and that it is apprehended that the party secretes himself or herself to evade the service; and therefore praying, that leaving a copy of the bill and order, with the agent or proctor for the party, and leaving the like copies at the last usual place of abode of such party, may be deemed a good service thereof. When such latter petition is presented, a person who can prove the allegations of it should attend at the House, and he will be called to the bar, and sworn and examined as to the fact stated in the petition. If the evidence be satisfactory to the House, the prayer of the petition will be granted, and an order made that such service, with the service of a copy of this latter order, be deemed a good service.

By

By the following standing order, the attendance of the petitioner is required on the second reading of the bill.

“ Die Mercurii, 28 Martii 1798—Ordered by the Lords Spiritual and Temporal in Parliament assembled, That for the future, upon the second reading of any bill of divorce, the petitioner praying for the same do attend this House, in order to his being examined at the bar, if the House shall think fit, whether there has or has not been any collusion directly or indirectly on his part, relative to any act of adultery that may have been committed by his wife; or whether there be any collusion directly or indirectly between him and his wife, or any other person or persons, touching the said bill of divorce, or touching any proceedings or sentence of divorce had in the Ecclesiastical court at his suit, or touching any action at law which may have been brought by such petitioner against any person for criminal conversation with the petitioner’s wife; and also, whether at the time of the adultery of which such petitioner complains, his wife was by deed or otherwise, by his consent, living separate and apart from him, and released by him, as far as in him lies, from her conjugal duty; or whether she was, at the time of such adultery, cohabiting

with him, and under the protection and authority of him, as her husband."

"This and the former order are declared to standing orders of the House, and ordered to be entered on the roll of standing orders, and printed and published, to the end all persons concerned may the better take notice of the same."

It sometimes happens, that the party suing for the divorce is abroad, and the petition is presented by his attorney on his behalf: In such a case, a petition must be presented, noticing the first petition, and order of the House for leave to bring in the bill, and stating that the bill was presented and read a first time on a certain day, that a time was appointed for the second reading, and an order made for the attendance of the petitioner on the same reading; that the party suing for the divorce now is, and for some time past, hath been resident abroad; and therefore praying that his attendance may be dispensed with.

Previous to the day appointed for the second reading, a brief should be prepared for counsel, comprising a short abstract of the bill, and a statement of the evidence intended to be offered in support of the allegations in the preamble thereof.

On the day appointed for the second reading, counsel should attend at the House of Lords, and he

he will be called to the bar, and heard in support of the bill; and the witnesses must also attend, to prove the allegations of the bill, and the service of the orders of the House.

First, a witness should be called, to prove the services of the order for the second reading, and of an office copy of the bill, on the party against whom the divorce is sued for; or if the party be not personally served, then to prove the services of the order and bill on his or her agent or proctor, &c.

Next, a true copy of the register of the marriage should be produced and proved; and a person who was present at the marriage, should attend to prove that fact.

Then a copy of the record of a judgment given in one of his Majesty's courts of record, with damages, &c. and the original definitive sentence of divorce in the Ecclesiastical court, should be severally produced, and proved and read.

And lastly, the witnesses should be called to prove the act of adultery.

If any marriage-settlement be recited in the bill, that should be produced, and the execution thereof duly proved by a subscribing witness.

The witnesses are sworn as they are called to the bar, previous to their being examined.

After the above facts have been satisfactorily proved to the House, the bill will be ordered to be read a second time, and committed to a committee

mittee of the whole House. The attendance of counsel is not required when the House resolves itself into a committee on the bill, nor are any further proofs then required, but the bill, with the amendments (if any are made therein), will be reported to the House by the chairman, and ordered to be engrossed; and as soon as the bill is engrossed, it will be read a third time, and sent to the House of Commons for their concurrence.

HOUSE OF COMMONS.

The engrossed bill is generally read a first time the same day it is brought from the Lords, and on the fourth day after the first reading, it will be read a second time, and then committed to a committee of the whole House, and a time will be appointed, generally the next day se'nnight, when the House will resolve itself into a committee on the bill. An order will also be made, that it be an instruction to the committee, that they do hear counsel and examine witnesses for the bill, and also that they do hear counsel and examine witnesses against the bill, if the parties concerned think fit to be heard by counsel, or to produce witnesses.

The order for the House to resolve itself into a committee, and an office copy of the engrossed bill, should regularly be served personally upon the party against whom the divorce is sued for; but if that be impracticable, a petition must be

pre-

presented to the House, noticing the above orders, and stating the reasons why a personal service cannot be effected, and therefore praying, that leaving a copy of the bill and order with the proctor or agent for the party, and leaving the like copies at his or her last usual place of abode, may be deemed good service.

On the day appointed by the House for resolving itself into a committee on the bill, the attendance of counsel should be procured, and he will be called to the bar, and heard in support of the bill; and the same proofs which were given at the Lords on the second reading of the bill in their House, must be produced before the committee in this.

The following is a standing order of the House of Commons :

“ On the 30th June 1801—Resolved, That before any bill of divorce for adultery do pass this House, evidence be given before the committee to whom the said bill shall be committed, that an action for damages has been brought in one of his Majesty’s courts of record at Westminster, or in one of his Majesty’s courts of record in Dublin, against the persons supposed to be guilty of adultery, and judgment had thereupon; or sufficient cause be shewn to the said committee, why such action

action was not brought, or such judgment was not obtained."

See standing order, 34 C.J. 365.

See Introductory Chapter, for further proceedings.

CHAP. IX.

ESTATE BILLS.

IT has already been remarked in the Introductory Chapter*, that bills of this description are most commonly begun in the House of Lords, unless the provisions required to be made therein, be of a nature that renders it absolutely necessary to begin them with the Commons.

When a bill is begun in the House of Lords, the manner of preparing and presenting the petition, and the necessary steps to be taken upon an order of reference to the judges thereon, and previous to the introduction of the bill, have been before pointed out.

It will be here endeavoured to be shewn, what facts a petition for such a bill should contain, the form of the judges' report, the subsequent proceedings after the bill is presented, and to collect the particular standing orders applicable to such bills.

* See *supra*, p. 6.

PETITION.

The objects to be effected by a bill of this description are so very numerous, and so widely different in their nature, that it is not an easy matter to give any precedent of a petition that would be generally useful; only some general hints therefore will be suggested for framing one.

The petition should set forth the relative situation of the parties interested, the state of their claims (if the bill is to alter property), the object in view, the foundation of the application, and that it cannot be effected without the interposition of the legislature, and therefore praying an act to effectuate what is proposed, according to the intent of the parties. In the petition it should also be shewn, that (except parties who are to be bound in respect of the compensation made them, or for other considerations), there is not, nor can be any person that has, or can have any right or title to any compensation or equivalent. Of the latter description of persons, are such as are entitled to remainder or remainders subsequent to, or lying behind the estate tail of a first tenant in tail, all of whom being barable by a common recovery, are therefore considered as having rights of too trivial and inconsiderable a nature to be regarded by Parliament.

“ Die Lunæ, 29 Aprilis 1799—Ordered by the
Lords

Lords Spiritual and Temporal in Parliament assembled, That when a petition shall be presented to the House for any private bill, notice shall be given to any person being a mortgagee upon the estate intended to be affected by such bill."

JUDGES' REPORT,

Should state, that they have been attended by the petitioners and their agents, and have considered the allegations and matters contained in the petition, and find the same to be true; that the parties who have signed the petition, are the only persons who appear to them to be beneficially interested in the consequences of the bill; and that they have perused and signed the bill annexed to their report, which they conceive to be proper for effectuating the purposes aforesaid. See style of Report, in Appendix (I).

BILL.

The provisions required by the following standing orders, must be made in all bills to which they are applicable:

" Die Mercurii, 19 Maii 1762—Upon report made from the Lords' committees appointed to take into consideration the roll of standing orders of this House, in relation to the stand-

standing order of the 16th February 1705, No. 100—It is ordered by the Lords Spiritual and Temporal, in Parliament assembled, That where a bill is brought in, to empower any person to sell or dispose of lands in one place, and to buy or settle lands in another place, the committee to whom such bill shall be referred, do take care that the values be fully made out ; and if the bill shall not be for making a new purchase, but only for settling other lands in lieu of those to be sold, in that case provision shall be made in the bill, that such other lands be settled accordingly : But if the bill shall be to purchase and settle other lands, in that case, the committee are to take care that there be a binding agreement produced for such new purchase^b ; or if it shall be made appear to the committee, that such agreement cannot then be made, or that such purchase cannot then be made and settled as desired by the bill, and the committee shall be satisfied with the reasons alledged for either of those purposes, in either of those cases provision shall be made in the bill, that so much of the money arising by sale of the lands directed to be sold, as is to be laid out in a new purchase, shall be paid by the purchaser

^b See 27 L. J. 506, 507, where this part of the order was dispensed with.

or

or purchasers into the Bank of England, in the name and with the privity of the Accountant-General of the high court of Chancery, to be placed to his account there, *ex parte* the purchaser or purchasers of the estate of the person or persons mentioned in the title of the said bill, pursuant to the method prescribed by the act of the twelfth year of King GEORGE I. cap. 32, and the general orders of the said court, and without fee or reward, according to the act of the twelfth year of King GEORGE II. cap. 24; and shall, when so paid in, be laid out in the purchase of navy or victualling bills, or exchequer bills: And it is further ordered, That the interest arising from the money so laid out in the said navy or victualling bills, or exchequer bills, and the money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the name of the said Accountant-General, in the purchase of other navy or victualling bills, or exchequer bills, all which said navy and victualling bills, and exchequer bills, shall be deposited in the Bank, in the name of the said Accountant-General, and shall there remain until a proper purchaser or purchasers be found and approved, as shall be directed by such bill, and until the same shall, upon a petition setting forth

such approbation, to be preferred to the court of Chancery in a summary way by the persons to be named in the bill, be ordered to be sold by the said Accountant-General, for the completing such purchase, in such manner as the said court shall think just and direct. And it is further ordered, That if the money arising by the sale of such navy, victualling, or exchequer bills, shall exceed the amount of the original purchase money so laid out as aforesaid, then and in that case, only the surplus which shall remain after discharging the expence of the applications to the court, shall be paid to such person or persons respectively, as would have been entitled to receive the rents and profits of the lands directed to be purchased, in case the same had been purchased pursuant to the act, or to the representatives of such person or persons."

"Ordered, That the standing order before mentioned be vacated and made void, and that this order be substituted instead thereof, and declared to be a standing order, and that it be entered on the roll of standing orders, and printed and published, to the end that all persons concerned may take notice thereof."

Emendat, per ord. 18 Martii 1777.

Emendat, per ord. 18 Junii 1795.

" Die

“ Die Lunæ, 29 Aprilis 1799—Ordered, That when any of the parties interested in any private bill, shall have power by such bill to name a trustee in the room of any trustee dying, resigning, or refusing to exercise his trust, provision shall be made in the bill, that such new trustee shall be appointed by or with the approbation of the court of Chancery.”

“ Ordered, That in any private bill for exchanging an estate in settlement, and substituting another estate in lieu thereof, there shall be annexed to such bill, a schedule or schedules of such respective estates, shewing the annual rent and the annual value thereof, and also of the value of the timber growing thereupon. And in all private bills for selling a settled estate, and purchasing another estate to be settled to the same uses, there shall be annexed to such bill, a schedule or schedules of such estates, specifying the annual rent thereof; and that every such schedule shall be signed and proved upon oath, by a surveyor or other competent person, before the committee to whom such bill shall be referred.”

“ Ordered, That the Lord who shall be in the chair of a committee to whom any private bill shall be committed, shall state to the

House, when the report from such committee is made, how far the orders of the House, in relation to such private bill, have or have not been duly complied with."

" Die Mercurii, 22 Maii 1799—Ordered by the Lords Spiritual and Temporal in Parliament assembled, That where a bill is brought in to empower any person to sell or dispose of lands in one place, in that part of Great Britain called *Scotland*, and to buy or settle lands in another place in the said part of Great Britain called *Scotland*, the committee to whom such bill shall be referred, do take care that the values be fully made out; and if the bill shall not be for making a new purchase, but only for settling other lands in lieu of those to be sold, in that case provision shall be made in the bill, that such other lands be settled accordingly: But if the bill shall be to purchase and settle other lands, in that case the committee are to take care that there be a binding agreement produced for such new purchase; or if it shall be made appear to the committee, that such agreement cannot then be made, or that such purchase cannot then be made and settled as desired by the bill, and the committee shall be satisfied with the reasons alledged for either of those purposes, in either of those cases, provision shall be made in the bill,

that

that so much of the money arising by sale of the lands directed to be sold, as is to be laid out in a new purchase, shall be paid by the purchaser or purchasers, without fee or reward, into the Bank of *Scotland*, or Royal Bank of *Scotland*, under the direction and by the authority of the Court of Session, and in the name of the trustees named in the act, and shall, when so paid in, produce the highest interest that can be obtained for the same. And it is further ordered, That the interest arising from the money so paid in, shall be laid out in the name of the said trustees, and shall annually accumulate and be added to the principal sum itself, to carry interest together, until a proper purchase can be found and approved, as shall be directed by such bill, and until the same shall, upon a petition setting forth such approbation, to be preferred to the said Court of Session in a summary way, by the persons to be named in the bill, be ordered to be paid by the treasurer of the Bank of *Scotland*, or cashier of the Royal Bank of *Scotland*, for the completing such purchase, in such manner as the said court shall think just and direct. And it is further ordered, That if the money arising by the principal and accumulated interest of such sum or sums, shall exceed the amount of the original purchase-money so laid out as

aforesaid, then and in that case, only the surplus which shall remain after discharging the expence of the applications to the court, shall be paid to the person or persons respectively, who would have been entitled to receive the rents and profits of the lands directed to be purchased, in case the same had been purchased pursuant to the act, or to the representatives of such person or persons."

"Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same."

"On the 2d July 1801—Resolved, That where a bill is brought in to empower any person to sell or dispose of lands in one place, in that part of the united kingdom called *Ireland*, and to buy or settle lands in another place in the said part of the united kingdom called *Ireland*, the committee to whom such bill shall be referred, do take care that the values be fully made out; and if the bill shall not be for making a new purchase, but only for settling other lands in lieu of those to be sold, in that case provision shall be made in the bill, that such other lands be settled accordingly: But if the bill shall be

to

to purchase and settle other lands, in that case the committee are to take care that there be a binding agreement produced for such new purchase; or if it shall be made appear to the committee, that such agreement cannot then be made, or that such purchase cannot then be made and settled as desired by the bill, and the committee shall be satisfied with the reasons alledged for either of those purposes; in either of those cases, provision shall be made in the bill, that so much of the money arising by sale of the lands directed to be sold, as is to be laid out in a new purchase, shall be paid by the purchaser or purchasers, without fee or reward, into the Bank of *Dublin*, under the direction and by the authority of the court of Chancery, and in the name of the trustees named in the act; and shall, when so paid in, produce the highest interest that can be obtained for the same; and that the interest arising from the money so paid in, shall be laid out in the name of the said trustees, and shall annually accumulate, and be added to the principal sum itself, to carry interest together, until a proper purchase can be found and approved, as shall be directed by such bill, and until the same shall, upon a petition setting forth such approbation, to be preferred to the said court of Chancery in a

summary way, by the persons to be named in the bill, be ordered to be paid by the treasurer of the Bank of *Dublin*, for the completing such purchase, in such manner as the said court shall think just and direct: And that if the money arising by the principal and accumulated interest of such sum or sums, shall exceed the amount of the original purchase-money so laid out as aforesaid, then and in that case, only the surplus which shall remain, after discharging the expence of the applications to the court, shall be paid to the person or persons respectively, who would have been entitled to receive the rents and profits of the lands directed to be purchased, in case the same had been purchased pursuant to the act, or to the representatives of such person or persons. On the 9th December 1801, this is declared to be a standing order."

The bill is generally printed as soon as the judges have approved of it; and if it be printed in time, the bill may be read a second time the day following the first reading.

If the bill originate at the Commons, after it has been read a first time^c in this House, it will be referred to two of the judges, to be considered, who are forthwith to summon all parties concerned therein, and after hearing them, and perusing a

^c 28 L.J. 119; 30 L.J. 347.

copy

copy of the bill attested by the clerk of the Parliaments, are to report the state of the case, with their opinion thereon, to the House; and until the judges have made their report, the bill cannot be read a second time. The manner of proceeding before the judges has already been pointed out⁴.

On the second reading, the bill will be committed for a day not earlier than the same day fortnight.

Notice should be given to all parties interested in the bill, to attend the committee in person, to give their consents; and trustees in whom any trust is vested by the bill, must also personally attend to accept such trust. In case of illness, or inability of any of the parties to attend, an affidavit of the same must be made before a master in Chancery, or at the public office, by two persons, and that the absent party signed a print of the bill annexed to the affidavit in their presence, and declared his consent that the same be passed into a law.

Before the committee, the allegations of the bill must be proved in the same manner as they were before the judges, all the witnesses being previously re-sworn at the bar of the House of Lords. The witnesses may be sworn the same day on which the bill has been read a second time and committed, or on any subsequent day, and no certificate of the re-swearing is required.

⁴ Vide supra, p. 18, and seq.

If

If any trustees be appointed by the bill, the committee-clerk should be applied to before the committee meets, to make out the entry in the committee-book for the trustees to sign, otherwise they will be obliged to attend another day to sign the book.

COMMITTEE.

The following are standing orders of the House of Lords :

“ Die Mercurii, 20 Aprilis 1698—It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That for the future it be a general instruction to all committees who shall meet upon private bills, that they take no notice of the consent of any person to the passing of such bill, unless such person appear before them, or that there be an affidavit of two persons made, that he or she is not able to attend, and doth consent to the said bill; and that when any committee shall be appointed on a private bill, notice thereof be affixed on the doors of this House fourteen days before the meeting of the said committee: And that this order be added to the roll of standing orders.”

“ Die Sabbati, 16 Februarii 1705—It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That in all cases where trustees shall be appointed by any private

ivate bill, the committee to whom that bill is referred, do take care that the trustees appear personally before them, and accept the trust under their hands; and also that the Lord who shall be in the chair of a committee for the passing of any private bills, when he makes his report, shall acquaint the House that all the orders of the House, in relation to private bills, were duly observed in passing the said bill through the committee."

" It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That for the future when any private bills shall be sent by the House to a committee, there shall be at the same time transmitted to them, a copy of these orders now made, and of all other standing orders of the House then in force relating to the passing of private bills."

" Die Martis, 19 Februarii 1705—It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That the orders of the 16th instant, relating to private bills, shall be, and they are hereby declared to be, standing orders, and entered on the roll."

" Die Lunæ, 29 Aprilis 1799—Ordered by the Lords Spiritual and Temporal in Parliament assembled, That where a petitioner for a private bill is tenant for life in possession, and another petitioner for the same bill is tenant in tail in remainder, and of age, and where

where it is competent for the two together, by deed, fine, and common recovery, to bar the rights and interests of all persons in remainder after the estate in tail of the petitioner, the committee shall not, in such case, be required to take the consent of any of the persons in remainder after the estate of such tenant in tail, to the passing of such bill."

" Ordered, That in all private bills, when any married or unmarried woman, or when any widow, desires to consent to the sale or exchange of any estate in which she may have an interest, or upon which she may be entitled to a jointure or rent-charge of any sort; or if she shall desire to sell, or otherwise dispose of all or any part of such jointure, rent-charge, or interest, the committee shall require not only her own consent in person, but also that of her trustee or trustees."

" Ordered, That in all private bills, when any estate is proposed to be sold or exchanged, on which the whole or any part of the fortune of any child or children is secured, or in which any such child or children hath or have an interest, the committee shall take the consent of any such child or children, if he, she, or they, is or are under age, by his, her, or their parents or guardians; and if of age, then the consent of the trustee or trustees

tees for such child or children, shall also be taken, as well as the personal consent of such party."

"Ordered, That the consent of all trustees shall be required in person before the committee, where any money is to pass through the hands of any such trustees, whether for jointure, pin-money, the fortunes of younger children, or any other interest whatsoever; but the consent of trustees to preserve contingent remainders only, shall not be necessary."

"Ordered, That all the before-mentioned orders of 29 Aprilis 1799, be declared standing orders, and that they be entered upon the roll of standing orders of the House, and printed and published, to the end all persons concerned may the better take notice of the same."

After the proper evidence has been adduced before the committee, the chairman will report the bill (with the amendments, if any) to the House, and thereupon the bill is ordered to be engrossed, and when the engrossment is finished, it will be laid on the table, and read a third time, and ordered to the Commons.

HOUSE OF COMMONS.

The engrossed bill is generally read a first time the same day it is sent from the Lords, and at the

the proper times, will be passed through the several stages mentioned in the Introductory Chapter.

At the committee in this House, the allegations in the bill should be proved in the same manner they were before the committee at the Lords. The signatures of all parties interested, should be obtained to a copy of the bill, which will (upon their signatures being proved) preclude the necessity of their attending the committee to give their consents in person.

In the foregoing Chapters, it has been endeavoured to point out the forms and methods of proceeding to be observed, in order to obtain certain private acts of Parliament; and the standing orders of both Houses have been collected and arranged under those particular heads to which they seemed most immediately to refer. But here let it be remarked, that though such be the rules, and orders which each House of Parliament has laid down for the regulation of their own proceedings in passing such bills, and though the neglect of the observance of any of them may occasion a delay in the business; yet if they be not all observed, nor yet dispensed with, the act of Parliament will not be thereby rendered invalid or defective. Neither House of Parliament, when a bill is carried from one to the other, inquires whether

whether all the forms of the House from which it is brought, have been complied with; nor is any such inquiry made when it is tendered to the Crown for the Royal Assent. It is supposed that all have been observed, and nothing remains but for the Crown to give its assent to the bill, or to reject it.

APPEN-

APPENDIX.

(A)

*Form of Notice to be affixed on the Church-door of
the Parish in which the Lands intended to be in-
closed, &c. are situated.*

September 1st, 1801.

NOTICE is hereby given to the proprietors of lands and estates in the parish of A. in the county of B. and to all other persons whom it may concern, that at the next session of Parliament a petition will be presented to the honourable House of Commons, for leave to bring in a bill, in order to obtain an act of Parliament for dividing, allotting, and inclosing, all the open and common-fields, meadows, pastures, commonable-lands and waste-grounds in the parish of A. aforesaid, or (" for dividing, draining, embanking and improving all the fens, lands, and marsh-grounds in the parish of —— aforesaid"), or (" for exonerating from tithes all the horresteads, farms, lands, and titheable grounds in the parish of A. aforesaid"), or (" for confirming and establishing an agreement entered into between the owners of estates in the parish of A. aforesaid, for dividing, allotting, and inclosing the common and open fields, &c. describing the premises").

M

This

This notice may be varied according to circumstances; and the nature and extent of the lands intended to be inclosed, &c. should be accurately described.

The notice is generally dated the day before it is stuck up, and must be upon the church-door of every parish in which the lands intended to be affected by the bill are situated, three Sundays in the months of August and September, or one of them.

See form of Notice pursuant to a special order of the House, Appendix (B).

PETITIONS.

Form of Petition for Leave to present an Inclosure Bill.

To the honourable the Commons of the united kingdom of Great Britain and Ireland, in Parliament assembled*;

The petition of the most noble W. Duke of M. and the humble petition of the several persons whose names are hereunto subscribed, on behalf of themselves and others, owners of estates in the parish of A. in the county of B.

* It must be understood, that this address is to be prefixed to every petition presented to the House of Commons, though it be not repeated in the following pages.

SHEW-

SHEWETH,

That there are within the said parish of A. several open and common-fields, meadows, pastures, commonable-lands and waste-grounds, containing in the whole by estimation —— acres, or thereabouts.

That the several properties of the owners of the said open and common-fields, meadows, and pastures, lie very much intermixed and dispersed in small parcels; so as to render the cultivation thereof very inconvenient; but if the same, together with the said other commonable-lands and waste-grounds, were divided and allotted unto and amongst the several persons interested therein, according to their several and respective rights and interests, and such allotments inclosed, they would be rendered of much greater value, and might be much improved.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for dividing, allotting and inclosing the said lands and grounds, in such manner, and under such regulations and restrictions, as to this honourable House shall seem meet.

And your petitioners shall ever pray, &c^b.

^b With these words all petitions should be concluded; though they are not subjoined to the subsequent petitions in this Appendix.

For Inclosure, and extinguishing Rights of Commons.

The humble petition of the several persons whose names are hereunto subscribed, on behalf of themselves and other owners of estates in the parish of A. in the county of B.

SHEWETH,

That there are within the said parish several spacious heaths or commons, called — and —, and also several open and commonable lands, called half-year or Lammas-lands, and distinguished by the names of the — commons, wherein several persons have and are entitled to divers small detached and intermixed parcels, which are very inconveniently situated for the occupation thereof; and there are also several inclosed fields, called half-year or Lammas-lands, and usually distinguished by the names of the — commons, which are subject to certain commonable rights in favour of the owners and occupiers of lands and tenements within the said parish; and there are likewise divers messuages, tenements, ancient inclosed lands, grounds and homesteads, within the said parish, the owners and occupiers whereof are entitled to rights of common in the said heaths or commons, open and inclosed half-year and Lammas-lands respectively, and that it would be of great benefit and advan-

advantage to the several persons having a right of common upon the said heaths and commons, if the same were divided and inclosed, and specific parts allotted to and amongst the several persons interested therein, in proportion to their respective rights in the soil, herbage and common thereof; and it would likewise be advantageous to the several proprietors of, and persons interested in the said open and inclosed half-year or Lammast-lands, if the several rights of common to which the same are now liable, were extinguished, by making a reasonable compensation to the parties entitled thereto, and if the detached and intermixed parts thereof were exchanged and apportioned between and amongst the owners and proprietors of such lands, in such manner as to render their shares therein more compact than they now are.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for effecting the several purposes aforesaid, in such manner, and under such regulations and restrictions, as to this honourable House shall seem meet.

For Inclosing, Draining, &c.

The humble petition of the Rev. A. B. rector of the parish of —, in the county

of —, and of the several other persons whose names are undersigned, on behalf of themselves and other proprietors of estates within the parish of —, having right of common upon the commons and waste lands within the said parish.

SHEWETH,

That there are within the said parish, certain commons and waste-lands, which are capable of much improvement by drainage and inclosure; but in the present uncultivated state thereof, are of little value; and that it would be a great advantage to the persons interested therein, if the same were drained and inclosed; and it would be an additional benefit to the proprietors of estates within the said parish, if such estates were exonerated from tithes, and full compensation made for the same; and also if proper powers were given to drain and improve such estates; and that there are within the said parish, certain embankments, which would be of much greater utility if the same were raised and repaired, and provisions made for upholding them in future.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill to effect the purposes aforesaid, in such manner as this honourable House shall judge proper.

For

For Draining Fens, &c.

The humble petition of Sir A. R. Bart.; Sir B.C. Bart.; Sir C.D. Bart.; L.M. Esq. T. W. Esq. and the several other persons whose names are hereunto subscribed, on behalf of themselves and others, owners and proprietors of estates within the several parishes, townships, or places of — and —

SHEWETH,

That there are within the several parishes, townships, or places above mentioned, certain large tracts of low lands, the property of your petitioners and others, containing in the whole — acres and upwards, through which the rivers — and — have their separate and conjoined courses; and that the channels and beds of the said rivers are very insufficient to contain and convey the flood-waters thereof within their due limits, and such flood-waters being also greatly impeded in their passage by the many angles in which the said rivers take their courses, the said lands are thereby subject to be frequently overflowed and injured, and by reason thereof, the same are incapable of any considerable improvement, or of being put into a state of cultivation; and that in order to prevent such injury to the said lands, and to improve the same by an effec-

tual drainage, it is expedient that a cut, of sufficient dimensions to afford a free passage for the waters of the — in all times of flood, should be made to branch out of the same river at or near a place within the parish of —, in the said —, called —, and to be continued from thence eastwards, through certain lands within the same parish, to and into a brook within the parish of — ; and the same cut to be from thence continued in or near to the present course of the said brook, through the said parish of —, down to the sea, there to discharge the whole of such waters ; and that the beds or channels of the said rivers should be so deepened, widened, altered and embanked, where necessary, as at all times to admit within the proper limits thereof, a free course for the waters that ought to pass along the same ; and that such drainage as aforesaid will be highly beneficial to your petitioners, and of public utility.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for effecting the purposes aforesaid, by such ways and means, and in such manner, as to this honourable House shall seem meet.

For

*For amending and rendering more effectual a former
Act for Draining Lands.*

The humble petition of the several persons whose names are hereto subscribed, on behalf of themselves and others, proprietors of lands within the district hereafter mentioned.

SHEWETH,

That by an act passed in the — year of the reign of —, for draining and preserving certain fen-lands in —, and county of —, lying between — river, and bounded on the south by the lands of — and —, and for empowering the governor, bailiffs and commonalty of the company of conservators of the great level of the fens, commonly called —, to sell certain lands lying within the limits aforesaid, commonly called invested lands, certain commissioners are appointed for putting the said act in execution; and that the fen-lands and low-grounds therein comprised, are taxed and made chargeable with a yearly sum for every acre thereof, until all the money which should be borrowed for the purposes of the said act, with the interest thereof, should be discharged; and that the commissioners appointed by virtue, and in pursuance of the said act, made several cuts, drains, and outlets, and erected several engines, and made several

several banks, and did other works in, through, and upon the lands and fen-grounds in the said act mentioned, for the purpose of draining and preserving the same, and assessed the lands and grounds with the several rates and taxes authorised by the said act ; and that the said commissioners have borrowed several sums of money upon the security of the rates and taxes chargeable upon the said lands and grounds in the said act mentioned, and have assigned over the said rates and taxes for securing the monies so borrowed, with the interest thereof ; and a considerable debt now remains due upon the assignment of the said rates and taxes, and otherwise on account of the said lands and grounds ; and that the said lands and grounds might be further greatly improved by additional works of drainage, but that the rates and taxes authorised to be raised by the said act, have been found insufficient for the payment of the interest of the monies borrowed, and for maintaining and keeping in repair the present works ; and the powers given to the said commissioners are also found to be insufficient for the effectual drainage and preservation of the said lands and grounds ; and the mode of appointing the commissioners is found to be inconvenient, and that it is therefore necessary to repeal certain parts of the said act, and to make some alterations and amendments therein ; and also to make some further additional

tional new works and drains, for the more effectual draining and preserving of the said lands and grounds, and to lay additional taxes thereon, in order to raise money to answer the said purposes,

Your petitioners therefore humbly pray, that leave may be given to bring in a bill to alter, explain, amend, and render more effectual the said act, and to repeal certain parts thereof; and for laying such additional taxes on the said fen-lands and low-grounds, and for such other purposes as to this honourable House shall seem meet.

For exonerating from Tithes, Lands already inclosed.

The humble petition of E. F. of, &c. Esq. and C. D. of the same parish, Clerk.

SHEWETH,

That your petitioner E. F. is patron, and your petitioner C. D. is rector, of the rectory of A. in the said county, and that the homesteads, farms, and lands in the parish of A. aforesaid, are old inclosures, and belong to the said E. F. and others, and that the said C. D. as rector of the said rectory, is entitled to all the great and small tithes arising, increasing and renewing upon the said homesteads, farms and lands, and it will be convenient and

and advantageous to all the proprietors of homesteads, farms, and lands in the said parish, as well as to the rector for the time being of the said rectory, if the great and small tithes aforesaid were commuted for perpetual corn-rents, to be fixed and charged upon the respective homesteads, farms, and lands aforesaid.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for fixing and settling a commutation for the great and small tithes of and upon the homesteads, farms, and lands within the said parish, by the payment of corn-rents for ever for the same, subject to such regulations and restrictions as to this honourable House shall seem meet.

For confirming an Agreement for an Inclosure.

The humble petition of A. B. of &c. Esq. lord of the manor of C. in the county of D. and of the several other persons whose names are hereunto subscribed, owners of estates within the townships of E. and F. in the parish of C. in the said county.

SHEWETH,

That in or about the year —, the several owners of estates within the said townships entered

tered into an agreement amongst themselves, to divide, allot, and inclose a certain common, or parcel of waste-land, called A. otherwise B. containing — acres or thereabouts, situated and lying partly in the township of E. and partly in the township of F. and the same was afterwards divided and allotted accordingly among the several persons interested therein, who took possession of and inclosed their several allotments ; and the same have ever since been held in severalty ; and that the said agreement was never properly executed by the several parties interested, but the terms thereof were strictly enforced and accepted by each of them ; and that your petitioners, and the several other persons who are in present possession of the lands and estates for which such allotments have been set out as aforesaid, being desirous of completing the agreement so neglected to be executed, have lately executed a proper agreement, conformable in every respect to the agreement before mentioned, which has been signed by all the owners of lands and estates within the said townships, having any interest upon the waste-lands so inclosed as aforesaid : Your petitioners are advised that such agreement cannot be made effectual, unless the same is established and confirmed by the authority of Parliament.

Your petitioners therefore humbly pray,
that leave may be given to bring in a
bill

bill for confirming and establishing the said division and inclosure, in such manner as to this honourable House shall seem meet.

To be heard against certain Clauses in an Inclosure Bill.

Borrowell L
The petition of ~~the Right Honourable J.~~
~~Earl of K. in the House of Honourable~~

SHEWETH, ~~are~~

That your petitioner, ~~is~~ informed that a bill is depending in this honourable House, for ~~divid-~~
~~ing, allotting, and inclosing the open and com-~~
~~mon-fields, meadows, commonable lands and~~
~~waste grounds in the parish of A. in the county~~
~~of B.~~

And your petitioner begs leave to state to this honourable House, that there are several clauses and provisions contained in the said bill, which, if the same were to pass into a law as it now stands, would materially infringe the rights, and injure the property of your petitioner.

Your petitioner therefore prays, that ~~they~~ may be heard by ~~himself~~ ~~this~~ counsel or agents, against such parts of the said bill as may affect ~~him~~; and that the same may not pass into a law as it now stands,

stands, or may have such relief in the premises, as to this honourable House may seem meet.

Copy-holders against a Bill for Inclosing Commons.

The humble petition of the undersigned, copy-holders and others, inhabitants of the parishes of A. B. and C. in the county of D.

~~SHEWETH,~~

That a bill is now pending in this honourable House, for inclosing the commons and waste-lands of the manor of E. which, if it should pass into a law, your petitioners are apprehensive, will prove of very injurious tendency to their interests, as also to those of the poor of the said parishes; and that your petitioners derive very considerable advantage from the right of commonage which they enjoy as appurtenant to their several copy-hold estates, and by which they are entitled to depasture sheep and other commonable cattle on the said commons and waste-lands, during the season when their lands are in tillage; and they greatly fear that the share or portion of land which may be respectively allotted to them as customary tenants of the manor, will be so far from remunerating them for the loss and detriment they will sustain by such inclosure, that the expence necessarily attendant upon the inclosure and amelioration

tion of the land so allotted to them, would be much greater than its intrinsic value, or any advantage they could possibly gain by it ; and that the said poor depend entirely for the supply of fuel, from the furze, heath, and turf which they procure at their leisure hours from the said commons, being precluded from obtaining any substitute for the same, as coals, from the inland situation of the said parishes (and the consequent necessity of conveying them by land-carriage), are extremely dear, and wood equally scarce and expensive : And even should a part of the said commons be appropriated by the said bill for that purpose, your petitioners apprehend it would be very inadequate to answer the end for which it may be designed ; and that the said poor (several of whom are widows with large families) are indebted for the chief means of supporting themselves and families, to the produce of cattle and poultry which they are enabled to keep on the said commons and waste-lands ; of which privilege should they be deprived, or limited from the enjoyment thereof in its full extent, they must inevitably be reduced to the alternative of soliciting relief from their respective parishes (which are already heavily burthened with poor), or of enduring very great distress, in removing to a situation better adapted to supply their necessities.

Your petitioners therefore humbly pray, that the said bill may not pass into a law, and that

that they may be heard by their counsel or agents against the same.

For Leave to present a Petition for an Inclosure Bill.

The humble petition of, &c.

SHEWETH,

That the lands and grounds in the said open and common-fields, lie intermixed and dispersed in small parcels, and in their present situation are incapable of any considerable improvement; but if the same, together with the said waste-grounds, were divided and allotted amongst the several persons interested therein, and such allotments inclosed, the same would be of public utility.

That your petitioners, intending to apply to Parliament for the above purposes, caused such notices to be given as are required by the standing order of this honourable House, relative to inclosure bills; but difficulties having arisen as to the terms of the inclosure, a proper petition could not be presented until the time appointed for receiving petitions for private bills had elapsed; but such difficulties being now removed, and almost all the parties interested being consenting to the inclosure;

Your petitioners humbly pray, that leave may be given to present a petition for

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the purposes aforesaid, or that they may have such other relief in the premises, as to this honourable House should seem meet.

For additional Provision in a Drainage and Inclosure Bill.

The humble petition of, &c.

SHEWETH,

That a petition was lately presented to this honourable House, for leave to bring in a bill for dividing, allotting, inclosing and draining A. B. and C. commons, and that unless several of the works of drainage, and the powers for carrying them into execution, be extended to certain lands and grounds in the several parishes of C. and D. adjoining, or lying contiguous to the commons (describe the situation of the lands), the same will be ineffectual.

That by several acts heretofore passed, divers powers for draining and preserving the said lands and grounds in the parishes of A. B. and C. aforesaid, have been granted to certain commissioners of sewers, and certain other persons, owners of the inclosed lands in A. aforesaid, adventurers or undertakers for draining — fen, and to certain commissioners, commonly called — commissioners; and if the commissioners of sewers and the said adventurers or undertakers, and the said other

other commissioners, were severally authorized to execute certain other works of drainage and preservation, and proper powers were granted to them for that purpose, it would materially facilitate the drainage and preservation of the said lands, grounds, and commons.

Your petitioners therefore humbly pray, that provisions may be made in any bill to be brought into this honourable House pursuant to the prayer of the said former petition, for effectuating the several purposes mentioned in this petition, in such manner, and under such regulations, as to this honourable House shall seem meet.

Relative to Notices for Provision in a Drainage and Inclosure Bill.

The humble petition of, &c.

SHEWETH,

That in pursuance of the leave of this honourable House, given on the — day of —, notices have been given of the application to Parliament for draining the several lands and grounds described in the report which was made on the — day of — last, from the committee to whom the petition of the several persons whose names are thereunto subscribed, being owners of lands and grounds in the several parishes of A. B.

N 2

and

and C. (describing the lands, as in the former petition), was referred, by affixing such notices on the doors of the several parish-churches of A. B. and C. for three Sundays, in the present month of April.

Your petitioners therefore humbly pray, that in the bill ordered to be brought in for draining, dividing, allotting and inclosing — commons, provisions may be made for effectuating the several purposes mentioned in their said former petition, in such manner, and under such regulations, as to this honourable House shall seem meet.

Gene-

(B)

General Form of Notices.

NOTICE is hereby given to all persons whom it may concern, that at the next session of Parliament a petition will be presented to the honourable House of Commons, for leave to bring in a bill for amending, widening, and repairing the road leading from — to —, in the county of — (here describe the road accurately); or for reviving, continuing, amending, and making more effectual, an act, or several acts, made, &c. (setting forth the title of the last act); and which said roads pass, or are intended to pass through the several parishes of A. B. C. and D. (as the case may be), in the county of —

Dated the — day of —

Pursuant to a Special Order of the House.

In pursuance of an order of the House of Commons, made on the — day of — instant,

Notice is hereby given to all persons whom it may concern, that a petition has been presented to the honourable House of Commons, praying, that in a bill now depending in Parliament, for making and maintaining a road from — to

—, provision may be made for amending, widening, and keeping in repair, the road leading from — to —; which last-mentioned road passes, or is intended to pass, through the several parishes of A. B. and C. in the county aforesaid.

PETITIONS.

For a new Turnpike-Road.

The humble petition of the several persons whose names are herunto subscribed, on behalf of themselves and others, owners of estates, or inhabitants within, or near the several parishes and places herein after mentioned.

SHEWETH,

That the making and maintaining of a turnpike-road from or near the turnpike-gate at —, to join the turnpike-road leading from — to —, at or near the — at —, and to pass along — and — turnpike-roads to —, and from thence to —, through the several parishes of — and —, all in the county of —, will be a great benefit, and attended with much convenience and accommodation to your petitioners, and the other owners of estates, or inhabitants within or near the said parishes and places, which are very populous, and in which many very considerable clothing manufactures are

are carried on, and that such new road will open a shorter and better communication than there is at present, between the city of —— and town of ——, and the parts adjacent, and between various other parts of the country, and will also be of public utility.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for making and maintaining the said road, in such manner, and under such regulations, as to this honourable House shall seem meet.

For continuing the Term of a former Act, and for making a new Branch of Road.

The humble petition of several of the trustees appointed to put in execution an act made in the —— year of his present Majesty's reign, for—(here set forth the title of the act).

SHEWETH,

That your petitioners have proceeded in the execution of the said act, and have borrowed a considerable sum of money on the credit of the tolls thereby granted, which still remains due, and cannot be repaid, nor can the said roads be properly amended and kept in repair, unless the term of the said act be further continued, and

the powers thereof altered and enlarged, and that the present road leading from the —, in the parish of —, to a certain lane called —, being in length — yards, or thereabouts, is very narrow and incommodious for travellers and carriages, and that it would be convenient to all persons travelling the said road, if power was given to make a new road from the said — to join the present road leading towards —, at or near —, in the said parish of —, and that in order to make the road more convenient for the public, it will be necessary that your petitioners should be authorized to pull down certain messuages and other buildings, in or near the said parish of —, and to carry the said road through gardens and other grounds, which they are not at present empowered to do.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for the purposes aforesaid, under such regulations and restrictions as to this honourable House shall seem meet.

For continuing the Term, altering the Powers of former Acts, and for increasing Tolls, &c.

The humble petition of the several persons whose names are hereunto subscribed, on behalf of themselves and others, trustees for

for executing two acts passed in the —— year of the reign of ——, and in the —— year of the reign of ——(set forth the title of the acts).

SHEWETH,

That the trustees appointed in, or by virtue of the said acts, have proceeded to put the same in execution, and have for that purpose, from time to time borrowed several considerable sums of money on the credit thereof, and of the tolls thereby authorized to be taken, which money still remains due, and cannot be repaid, nor the said roads properly maintained and improved, unless the term of the said acts be continued, and some of the powers and provisions thereof altered and amended, and the tolls increased.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill to continue the term, and alter and enlarge the powers of the said acts, in such manner, and under such regulations and restrictions, as to this honourable House shall seem meet.

To continue a former Term, shut up part of a Road, take down a Bridge, and to make a new Road, and build a Bridge over a River.

The humble petition of several of the trustees for putting in execution two acts made

made in the — year of the reign of
—, and the — year of the reign of
—, for repairing the road from — to
—, in the county of —.

SHEWETH,

That your petitioners have proceeded in the execution of the said acts, and have borrowed a considerable sum of money on the credit of the tolls thereby granted, which money cannot be repaid, nor can the said roads be amended and kept in repair, unless the term and powers of the said acts be further continued and enlarged, and the tolls increased: And that it would be more convenient to the public, and to all persons travelling the said roads, if power was given to shut up the present road leading from a place called —, in the parish of —, over a bridge called —, to a place called —, in the said parish, and to pull down the said bridge, and instead thereof, to make a new road from the said place called —, to the said place called —, by a mill called —, and to erect a bridge over the river —, in the said parish.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for effecting the purposes before mentioned, in such manner as to this honourable House shall appear just and proper.

For

For Provision to include a new Piece of Road in a Bill.

The humble petition, &c.

SHEWETH,

That a bill is now depending in this honourable House, for making and maintaining a new road from — to —.

That the road leading from the west end of the village of —, into the said intended road, at a place called —, being in length —, or thereabouts, is very much out of repair, narrow, and incommodious, and cannot be sufficiently amended, widened, and kept in repair by the ordinary course of law; and that if the same were made good, and included under the powers and provisions of the said bill, it would be a great benefit and convenience to your petitioners, and all persons residing in the neighbourhood.

Your petitioners therefore humbly pray, that provision may be made in the said bill, for amending, widening, and keeping in repair the said road from — to the said place called —, and making the same communicate with the said intended new road, in such manner, and under such regulations, as to this honourable House shall seem meet.

For

For Provision on the renewal of a Road Act.

The humble petition of, &c.

SHEWETH,

That a petition has been presented to this honourable House, for leave to bring in a bill for altering and enlarging the term and powers of an act of Parliament made in the — year of —, for—(here set forth the title of the act).

That a certain road in the parishes of A. B. and C. leading from — to —, and a certain other road in the parishes of D. E. and F. and leading from — to —, are much out of repair, narrow, and incommodious, and cannot be effectually amended, widened, improved and kept in repair, by the ordinary course of law; and that it would be a convenience to the several neighbourhoods, and of public utility, if the same were made turnpike, and put under the care and management of the trustees for executing the said act.

Your petitioners therefore humbly pray, that provision may be made in the said bill, for amending, widening, improving, and keeping in repair the said roads, in such manner as to this honourable House shall seem meet.

For

For Provision in a Bill to Light certain Parts of a Road.

The humble petition, &c.

SHEWETH,

That a bill is depending in this honourable House, for more effectually repairing, widening, diverting, and improving the road—(here insert the title of the act).

That several parts of the said roads, which lead through towns and villages, are narrow, and thereby accidents frequently happen in the night time, which your petitioners apprehend may in a great measure be prevented, if the same were properly lighted.

Your petitioners therefore humbly pray, that provision may be made in the said bill, for lighting such parts of the said road as shall be found necessary.

Relative to Notices for Roads.

The humble petition, &c.

SHEWETH,

That a petition having been presented to this honourable House, in the present session, praying that leave might be given to bring in a bill (amongst other things) for effectually amending, widening, and repairing, and keeping in repair, the

the road from ——(here describe the road)— the said petition was referred to the consideration of a committee; and that upon a report made from such committee, the House was pleased, upon the —— day of ——, to order, that in consideration of the circumstances mentioned in the said report, leave be granted that notice be forthwith given, of the application to Parliament for the purposes mentioned in the said petition, three times in the newspaper called the ——, in the present month of ——, or in the month of —— next; and that notice has accordingly been given in the terms of the order last mentioned.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill pursuant to the prayer of their said former petition.

Relative to Notices for Provision in a Road Bill.

The humble petition, &c.

SHEWETH,

That in pursuance of leave granted by this honourable House, on the —— day of —— last, notices have been given at the last —— quarter-sessions of the peace holden for the county of ——, and three times in a newspaper called the ——, in the month of —— last, and in the

the present month of — (in such and like manner as they are required to be given by the standing orders relative to turnpike bills), of the application to Parliament; that in a bill now depending in this honourable House, for making and maintaining a road from — to —, provision may be made for amending, widening, and keeping in repair, the road leading from — to —, in the said county.

Your petitioners therefore humbly pray, that provision may be made in the said bill, for amending, widening, and keeping in repair, the road leading from the said place called —, to —, in such manner, and under such regulations, as to this honourable House shall seem meet.

NOTICES.

(C)

NOTICES.*General Form for.*

NOTICE is hereby given to all persons whom it may concern, that application is intended to be made to Parliament in the ensuing session, for leave to bring in a bill for making and maintaining a navigable cut, or canal, from — to —, in the county of —, and that such cut, or navigable canal, is intended to be made and pass through the several parishes of A. B. and C. in the county of E. and also for supplying the towns or villages of — with water, by means of pipes to be laid from the said canal, to and into such last-mentioned towns or villages ; and that such pipes are intended to pass through, or within the parishes of — respectively (*or for better enabling the company of proprietors of the — canal to raise money for finishing and completing the said canal-line, and to alter, explain and amend an act passed in the — year of the reign of —, for making and maintaining the said canal, and for granting to the said company further and other powers.*).

A. B. Solicitor.

Fur.

Further Form.

Notice is hereby given, that application is intended to be made to Parliament in the ensuing session, for leave to bring in a bill, in order to obtain an act of Parliament for enabling the company of proprietors of the —— canal navigation, to extend the said canal from the township of ——, to or near a certain place called ——, in the parish of ——, to communicate with the canal in the parish of ——; and that the said extension is proposed to be made and to pass through or into the several parishes of ——, all in the county of ——, and also through or into the parish of ——, in the county of ——; and also for enabling the said company of proprietors to make any reservoir or reservoirs, with sufficient feeders, channels and leaders, in and through the townships of ——, in the parish of ——, and to alter or raise the rates of tonnage, authorized to be demanded and raised by the act of Parliament passed for making the said first-mentioned canal.

Notice for making a Rail-way, &c.

Notice is hereby given, that application is intended to be made to Parliament in the next session, for leave to bring in a bill, in order to obtain an act for making and maintaining an inclined

o

plane,

plane, or rail-way, with all proper works and conveniences for the passage of waggons, carts, and other carriages properly constructed, from, or from near a place called —, through —, and into and through the several parishes of —, to or near to a place called —, in the parish of —, in the county of —; and also for making a collateral branch from the said inclined plane, or rail-way, from —, in the parish of —, into and through the several parishes of —, to a place called —, in the said parish of —, and for making and maintaining a dock or basin, with cuts, locks, and other works, for the passage of boats, barges and other vessels, from the termination of the said intended rail-way at — aforesaid, into the river —, at or near to —, in the said parish of —, all in the said county of —.

PETITIONS.

To make a River navigable, &c.

The humble petition of the several gentlemen, traders, and others, inhabitants of the counties of — and —.

SHEWETH,

That the river — is capable of being made navigable, from or near to a place called —, in —, in the county of —, into the river —,

—, at or near a place called the —, at —, in the county of —.

That if effectual provision was made for opening and maintaining such navigation, the same would be of great utility and benefit to the inhabitants of the said counties, and to the public in general.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for making and keeping the said river navigable, in such manner, and under such regulations, as this honourable House shall think proper.

For making a New Canal.

The humble petition of the gentlemen, merchants, traders, and others, the principal inhabitants of —, and elsewhere, in the county of —.

SHEWETH,

That it appears by levels and surveys lately taken, that a cut, or canal, for the navigation of boats and other vessels, with heavy burthens, may be conveniently made from the — canal navigation, at or near —, in the parish of —, over the river —, within the township of —, to the river —, at or near —, through the several parishes, townships, districts, or places of

—, in the said county; and that the same will open a short, easy, and commodious communication between the said town of — and the several townships, districts, or places through or near which the said cut or canal is intended to be made, and the interior parts of the county of —, and the several trading towns adjacent to the said — canal and the ports of — and —, which will be of great advantage to the trade and manufactories carried on between or near the above ports and places, and be of much public utility.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for making a navigation cut, or canal, from the — canal navigation, in the said township of —, near —, to the river —, at or near — aforesaid, in such manner, and with such powers and provisions, and under such regulations and restrictions, as to this honourable House shall seem meet.

Another Form.

The humble petition of the several persons whose names are hereunto subscribed, being owners and proprietors of estates in the county of —.

SHEW-

SHEWETH,

That the making and maintaining of a canal (with basons and reservoirs), navigable for boats, barges and other vessels, from the river —, near to and on the east side of the town of —, in the county of —, in the parish of —, next —, in the said county, to the river —, at or near to a certain place called —, in the parish of —, in the said county, through the several parishes of — and —, in the said county; and also, that the making and maintaining of a collateral canal, or cut (with basons and reservoirs), for the navigation of boats, barges and other vessels, from or near to a certain point in the said intended line of canal, called —, in the said parish of —, to the river —, at or near to — aforesaid, would not only greatly facilitate, and render less expensive, the conveyance of goods, wares and merchandize, between the cities of — and — (as a long and circuitous, and sometimes dangerous navigation in the open sea, would be avoided), but would also tend to promote the improvement and better cultivation of the circumjacent country, by the conveyance of manure, and would otherwise be of great public utility.

Your petitioners therefore humbly pray,
that leave may be given to bring in a
bill for the purposes aforesaid, by such

ways and means, and under such regulations and directions, as to this honourable House shall seem most meet.

For raising further Sums to finish a Canal, and to alter and amend a former A&T.

The humble petition of the company of proprietors of the —— and —— canal.

SHEWETH,

That your petitioners were incorporated by an act passed in the —— year of ——, and were empowered to make and complete a canal navigable for boats, barges and other vessels, from the town and county of the town of ——, to or near the city of ——, in the county of ——, with a collateral branch to ——, in the parish or township of ——, within the liberties of the town and county of the town of ——; and in order to enable them to carry on so useful an undertaking, they were authorized to raise and contribute amongst themselves any sum not exceeding ——; but in case the same should be found insufficient for completing the said canal, they were authorized to raise any further sum not exceeding ——; part thereof, by additional shares, and the residue at legal interest on the credit of the said canal, and on the tolls, rates and duties thereof.

That

That your petitioners have proceeded in the execution of the said act, and have laid out the whole of the line of the said canal and branch, and have cut a considerable part thereof; but from unforeseen accidents and expences, they have expended the whole of the said sum of —, without having completed the said canal. That your petitioners have endeavoured to raise the further sum of —, by additional shares, without effect; but are convinced they can procure the whole of the said sum of — by mortgage of the tolls, rates and duties of the said canal, if they were empowered so to do.

That your petitioners are apprehensive, that from the great advance in the price of materials and labour, they shall have occasion to borrow a further sum of money, over and above the said sum of —; and that your petitioners find, that in order to enable them to complete and maintain the said canal, it will be necessary that the said act should be altered and amended.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for the purposes aforesaid, under such regulations and restrictions as this honourable House shall think just and proper.

*To raise a further Sum, to increase the Tonnage, and
to amend a former Act.*

The humble petition of the company of proprietors of the navigation from the — navigation to —, in the county of —.

SHEWETH,

That an act was passed in the — year of the reign of —, for making (here set forth the title of the act).

That your petitioners proceeded to put the said act into execution, and have nearly completed the said navigation, and the works thereby authorized to be made; and that the estimate for executing the said undertaking, made by an experienced engineer, amounted to the sum of —; but for several reasons, and principally on account of the advance in the price of labour during the execution of the works, and the great damage done thereto by frost, snow, and floods, the expence of making the said navigation and works, was increased beyond the estimate so far, that previous to the opening of the said navigation, the said company of proprietors had not only expended the sum of —, which was the whole sum your petitioners were by the said act enabled to raise, but had contracted debts to a very considerable amount; and that since the opening of the said navigation, your petitioners have

have expended in the execution of the said works, all the tonnages they have from time to time received; notwithstanding which, they are still in debt to a very large amount, and have several wiers and back-drains to make, for the accommodation of the occupiers of meadows on the line of the said navigation, and have also several mills on the said line to alter, agreeable to the directions of the said act; and that by the making of the said navigation, and from the facility of water-carriage, a reduction of more than one-third in the price of coals, has taken place in the towns of — and the neighbourhood, and a considerable reduction has also taken place in the price of carriage of all articles of merchandize passing upon the said navigation, so as to make a very important saving to the public; and that in order to enable your petitioners to discharge the debts they have unavoidably contracted as aforesaid, and to execute the several works yet incomplete, so as to render the said undertaking completely and generally beneficial to the neighbourhood and the public, they submit to this honourable House, that it is necessary they should be empowered to raise such further sums of money as may be required for the completion of the said plan; and that to enable them so to do, it is also necessary and reasonable that they should be enabled to take adequate additional tonnage for the passage of coals, goods, wares and merchandizes upon the said navigation;

vigation ; and that the said act hath been found in several respects defective, and requires to be altered and amended.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for the several purposes aforesaid, under such regulations as to this honourable House shall seem meet.

To extend a Rail-way, and to amend a former Act.

The humble petition of the company of proprietors of the —— canal.

SHEWETH,

That by an act passed in the —— year of the reign of ——, for making (set forth the title of the act), certain persons and their successors were incorporated, by the name and stile of ——, and were authorized and empowered to make, complete, and maintain the said canal, and other works ; and that the making of an extension of the said rail-way, which communicates with the canal at or near ——, in the parish of ——, in the county of ——, from —— aforesaid, to or near to ——, and another extension from ——, to or near to a place called ——, within —— aforesaid, and the making of another rail-way from the said canal, at or near ——, in the county of ——, to or near to the summit of the inclined plane

plane of the said present rail-way, will be of great public utility, by opening a communication with many large and extensive tracts of stone and other minerals, which lie under and near to the lines of the said proposed rail-ways, and be a means of producing a considerable increase of trade upon the said canal, cut, and rail-ways, and of supplying the public to a great extent with the said stone and other minerals at an easy and cheap rate. That your petitioners have, in proceeding to carry the said act into execution, found the powers and provisions thereof in some respects defective, and that it is expedient that the same should be altered and amended.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for enabling them to make the two extensions of rail-way, and also the new rail-way aforesaid, and for altering and amending the said act, in such manner, and under such regulations and restrictions, as to this honourable House shall seem meet.

Petitions against Navigation Bills.

The humble petition of the several persons whose names are hereunto subscribed, being owners and occupiers of mills situated on the river —, in the county of —.

SHEW-

SHEWETH,

That by an act passed in the —— year of the reign of —— (here set forth the title of the act), certain persons therein named were united into a company, for making and maintaining the —— canal, and several clauses were inserted in the said act, for the purpose of preventing injury or damage to the owners and occupiers of mills upon the said river —— and its feeders, by the making of the said canal and other works, and particularly for preserving and securing to them the springs, feeders, water-courses, or streams of water, which supplied, or assisted in supplying with water, the mills upon the said river, or its feeders, by means of tunnels, culverts, trenches, drains and aqueducts, and for ascertaining the quantity of surplus-water in times of excess, by gauge-wiers and water-marks, to be made and fixed in such places, and in such manner, as is directed by the said act.

That the said company of proprietors have proceeded in the making of the said canal, but have omitted and neglected, in many instances, to make, dig, and fix the said tunnels, culverts, trenches, drains and aqueducts, and have wholly neglected to make and fix gauge-wiers and water-marks, according to the directions of the said act, and the clauses inserted therein for that purpose, as well as for the purpose of preventing injury and damage to the said mills, in consequence of which neglect,

neglect, the owners and occupiers of mills have sustained very considerable damage, which damage is likely to increase by the said canal, and the works thereof; and that the company of proprietors have applied to Parliament in the present session, for an act, enabling them to make certain deviations from their present parliamentary line, or for finishing the said canal and the works relating thereto, or otherwise altering or amending the said act of the —— year of the reign of

Your petitioners therefore humbly pray, that in case the said bill should pass into a law, sufficient clauses may be inserted therein, not only for the purpose of enforcing a strict observance of the clauses comprised in the before-mentioned act on their behalf, but also such further clauses, for the better and more effectual security and protection of their rights and interests, as to this honourable House shall seem meet: And your petitioners also pray, that they may be heard by themselves or counsel against the said bill.

The humble petition of the several persons whose names are hereunto subscribed, being owners or proprietors of stock or shares in the —— canal navigation.

SHEW-

SHEWETH,

That by an act passed in the —— year of the reign of —— (here set forth the title of the act), certain persons therein named were united into a company, for making and maintaining the said —— canal, and that a very considerable sum of money hath been raised under the powers of the said act, for the purposes therein mentioned.

That by a bill now depending in this honourable House, for enabling the —— canal company to finish and complete the —— canal, and for amending the act passed in the —— year of the reign of ——, for making and maintaining the said —— canal, it is intended that such of the proprietors of stock or shares as shall refuse to advance further sums for the prosecution of the works of the canal, shall not only be excluded all benefit which may arise from the tolls and profits of the said intended canal, but also that the stock and shares to which they are now entitled, and all sum and sums of money advanced thereon, shall become forfeited, and shall be applied towards the carrying on and prosecuting the works of the said canal, for the benefit of those who are desirous that the same should be proceeded upon; and that many of the persons who were originally proprietors of stock or shares, or who have since become purchasers or owners thereof, are now dead, and the executors, administrators, or trustees of several of such deceased proprietors, being interested

ested on behalf of creditors, legatees, and others, do not conceive themselves at liberty to advance further money out of the trust-monies in their hands, or risk the same in speculations of this sort, instead of paying the same to those who are entitled thereto; and that in fact, many of such executors, administrators and trustees (were they so inclined), have not any trust-money or effects in hand for the purpose; and that all the persons whose names are hereunto subscribed, as well executors, administrators and trustees, as those entitled in their own rights respectively, are unwilling to advance further money for the carrying on and prosecuting the works of the said canal, and wish therefore to be exempted from all future calls in respect thereof; but that they are desirous either of receiving, or continuing to be entitled to a proportionate share of the profits of the said intended navigation, in respect of the several sums already advanced, or of the shares to which they are now respectively entitled, or else that the repayment of the said several sums shall be secured to them with interest, by mortgage of the tolls and profits of the said intended navigation, or in some other effectual manner.

Your petitioners therefore humbly pray,
that the said bill may not pass into a
law in its present form, as your petitioners' rights and interests will be ma-
terially

terially affected thereby ; but that they may be heard by themselves, their agents or counsel, against the same.

The humble petition of the several persons whose names are hereunto subscribed, being proprietors of shares in the — canal navigation.

SHEWETH,

That a bill is depending in this honourable House, to enable the company of proprietors of the — canal navigation to finish and complete the same, and to pay their debts, and for altering and amending two acts passed for making and maintaining the said navigation.

That the said bill contains a provision for compelling the proprietors to advance such further sums, by way of per centage on their present shares, as shall be sufficient to discharge the debts contracted by the committee to whom the management of the concern has been hitherto entrusted, and which debts, or a considerable part thereof, they the said committee contracted, as your petitioners conceive, illegally, and without the authority of either of the former acts referred to in the said bill, and without the knowledge and consent of your petitioners, and have, as your petitioners are informed and believe, given their own personal security for the discharge thereof.

That

That the said bill also contains several clauses and provisions highly injurious to the rights of your petitioners, as proprietors in the said navigation.

Your petitioners therefore humbly pray, that they may be heard by themselves, their counsel or agents, against such parts of the said bill as affect their rights and interests, and that they may have such relief in the premises, as to this honourable House shall seem meet.

(D)

NOTICE is hereby given, that application is intended to be made to Parliament in the next session, for leave to bring in a bill, in order to obtain an act of Parliament for building and erecting a bridge over the river —, at or near a certain place called —, in the parish of —, in the county of —, to the opposite shore in the parish of —; and for opening and making proper avenues, ways and passages thereto; and also for re-building the bridge over the river —, at or near —, called — bridge, in the parish of —, in the county of —; and for erecting a temporary bridge over the said river, near the present bridge; and for opening proper avenues to the same: or, “*for continuing, amending and extending the powers of an act passed for re-building, &c.*”—(here set forth the title of the act).

N. B.—The object of the application should be fully set forth in the notice, and the parishes to which the bridge is to extend, should be named therein.

PETI-

PETITIONS.

For erecting a new Bridge.

The humble petition of the gentlemen, clergy, freeholders, and other inhabitants of the counties of — and —, whose names are hereunto subscribed.

SHEWETH,

That the crossing the river —, at the ferry near —, with carts and carriages, is, by reason of frequent land-floods, high tides, sand-banks, and other impediments, rendered not only dangerous and inconvenient, but attended with damages and delays.

That the building a bridge across the said river, at a convenient place a little above the said ferry, would not only effectually remove and prevent such dangers, inconveniences, damages and delays, but be of public utility.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for building a bridge across the river —, near to the said town of —, in such manner as to this honourable House shall seem just and reasonable.

For re-building a Bridge.

The humble petition of the mayor, bur-
gesses, and commonalty of the city of —.

SHEWETH,

That the bridge of —, over the river —, by means of the present buildings standing thereon, is extremely narrow, inconvenient, and dangerous to pass over, whereby frequent mischiefs do happen from stops and interruptions ; and that the foundation of the said bridge has been found, on examination, to be sound and good, and the bridge capable of such improvements as, by re-building from the said foundation, may be of public utility and advantage to the navigation ; and that by the removal of the houses, and other obstructions thereon, the passage of the said bridge would be rendered very safe and commodious.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for re-building, widening, and enlarging the said bridge, and to raise money for effecting the same ; or that this honourable House will grant such other relief in the premises, by such ways and means, and in such manner, as to this honourable House shall seem most meet.

Another

Another Form;

With the addition of a Petition for leave to give the Notices required by the Standing Orders.

The humble petition of the inhabitants and parishioners of the several parishes of — united, and —, in the town of —, in the county of —, whose names are hereunto subscribed, for and on behalf of themselves, and other the inhabitants and parishioners of the said several parishes.

SHEWETH,

That the said town of — is a county within itself, containing the said three parishes of —, and through the said parish of — passes the river —, over which hath been a bridge time immemorial, for carriages of every description; but the said bridge is become very ruinous, and is greatly decayed, although several sums of money have been expended in repairing the same.

That your petitioners, in consequence of the apparently dangerous situation of the said bridge, have lately caused it to be surveyed, in order that the real condition thereof might be known, and the expence of repairing or rebuilding the same might be precisely ascertained; and find from the opinion of a surveyor, that it is impracticable to repair the said bridge in a

substantial manner; and that a plan and estimate have been made for a new bridge, the expence whereof will amount to £ —, or thereabouts, which sum, the parishioners and inhabitants of the said several parishes are unable to raise among themselves, without the aid and authority of Parliament.

That your petitioners conceive the most eligible and least oppressive mode of defraying the expence of re-building the said bridge, will be by obtaining the money necessary for that purpose, on loan from individuals, and charging the messuages, lands, tenements and hereditaments situated within the said three parishes of —, in — aforesaid, with the payment thereof, within ten years from the passing of an act for that purpose, to be charged, raised and levied on such messuages, lands, tenements and hereditaments, by an equal rate or assessment, in proportion to the value of such estates respectively; and that there is a great thoroughfare over the said bridge for all manner of carriages, the same being situated in a public road; and there will be great danger of its giving way when any carriage heavy laden passes over, or if a barge in passing under should strike against it, whereby many lives may be lost, and great injury sustained; and that it therefore is become absolutely necessary, for the safety of the public in general, that a new bridge should be immediately erected, which necessity did

did not arise, or was not discovered, until after the time limited by this honourable House, for giving the notices required by the standing orders relative for building bridges.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for re-building the said bridge; and that the money necessary for that purpose may be raised, levied, and repaid, by such ways and means as to this honourable House shall seem meet; and that your petitioners may be permitted forthwith to give the notices required by the standing orders.

To renew a former Act passed for building a Bridge.

The humble petition of several of the inhabitants of the parish of the town and borough of —, in the county of —, and of several other persons residing in the neighbourhood thereof.

SHEWETH,

That your petitioners, in or about the year —, built a bridge across the river —, at a place called —, near —, in the parish of —, to the opposite shore, in the parish of —, in the said county, and have made proper avenues

or roads to and from the same, for three or four miles on each side thereof, as they were authorized by an act passed for that purpose.

That the expence of such undertaking, amounted to the sum of £ —, which has been borrowed upon the credit of the tolls authorized to be taken on the said bridge ; and that the tolls of the said bridge have for some years past been let by auction for the sum of £ — only, which is too little to pay the interest of the debt due upon the said tolls, by the sum of £ — per annum ; and that the whole principal sum of £ —, with an arrear of interest, still remains due and unpaid, and that the said act will soon expire.

Your petitioners therefore humbly pray, that the said act may be renewed, and the powers thereof enlarged ; and that there may be an additional toll granted, for making a better communication with the town of — from the said road, at or near —, by a place called — ; and for payment of the interest of the expence to be incurred thereby, and of the said debt of £ — due upon the tolls of the said bridge.

PETI-

(E)

PETITIONS.

*For establishing a Court for the more easy Recovery
of Small Debts.*

The humble petition of several merchants, shop-keepers, dealers, and others, within the several parishes of — and —, in the county of —.

SHEWETH,

That many persons to whom your petitioners and others within the said parishes, in the course of their dealings, are obliged to give credit for small sums, taking advantage of the difficulties under which persons lie in the recovery of such sums by the present forms of law, frequently refuse, though well able, to pay their just debts.

That your petitioners apprehend, that the establishing of a jurisdiction within the said parishes, for recovery of small debts in a way less expensive and more expeditious, would be of great advantage.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for that purpose, under such regulations as to this honourable House shall seem most proper.

The

The humble petition of the mayor, aldermen, citizens and commonalty of the city of —, in common council assembled.

SHEWETH,

That the city of — is an ancient corporation, and a county within itself, of considerable extent; and having navigable rivers to the towns of — and —, carries on a trade to those parts, and that great numbers of artificers and handicraft people are employed within the said city and county of the said city, who cannot support themselves without credit, and great numbers of dealers from the adjacent counties attend the fairs and markets held in the said city, and rent stalls therein, and seek their livelihood by vending their wares and merchandizes in the said city, and from thence are obliged to give credit to many of the poor inhabitants and residents within the said city; and that the said artificers and handicraft people are frequently put to great difficulties in obtaining credit; and the dealers who frequent the fairs and markets, lie under great discouragement, from giving credit for small sums to the poor inhabitants and residents within the said city and liberties thereof, by reason that many persons obtaining such credit, evade the payment of their just debts,

pre-

presuming on the expence and delay which attend the recovery thereof at common law.

That your petitioners apprehend, that the giving of such persons as encourage the said artificers and handicraft people, and such dealers and others, an easy and speedy method for recovering their just debts at a small expence, will greatly tend to the promoting industry, supporting useful credit, and be of great utility to the said city.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for the more easy and speedy recovery of small debts within the said city and county of the said city, and the liberties thereof.

Further Petition in support of the last Petition..

The humble petition of several gentlemen, freeholders, tradesmen, householders, shopkeepers, and residents within the city of —— and county of the said city, whose names are hereunto subscribed, in behalf of themselves, and others inhabiting within the said city and liberties thereof.

SHEWETH,

That your petitioners, in the course of their dealings, frequently advance money, and give credit, to the poor artificers and manufacturers who seek a livelihood within the said city, who would often

often be otherwise subject to great distresses, and totally unable to carry on their different occupations ; and that your petitioners very often suffer great losses, by reason that many persons decline the payment of the debts they contract, as your petitioners cannot obtain the recovery thereof unless by due course of law, which hath been found very expensive to the creditors, and greatly burthensome to the poor debtors.

That if a proper court of judicature should be erected for the recovery of small debts in a summary way, it would be of great service to the said artificers and manufacturers, and many other industrious poor persons, who, by having their wants timely relieved, by finding credit, might be preserved from utter ruin and destruction.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for the more easy and speedy recovery of small debts within the said city and county of the said city, and liberties thereof, or that your petitioners may have such other relief as to this honourable House shall seem meet.

To extend the Jurisdiction of a Court to other Hundreds.

The humble petition of several gentlemen, tradesmen, artificers, and others, being inhabitants

habitants of the town of —, and other places within the hundred of —, in the county of —.

SHEWETH,

That many persons frequently contract small debts within the said hundred, who, though well able, frequently refuse to pay the same, presuming upon the difficulties under which their creditors lie, in suing them by the present methods provided by law.

That an act was passed in the last session of Parliament, for the more easy and speedy recovery of small debts within the hundreds of — and —, which your petitioners apprehend has already been of great service within the said hundreds; and that it would be a great advantage to your petitioners and many others, if the provisions of the said act were extended to take in the said hundred of —.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for that purpose.

To amend a former Act.

The humble petition of the several persons whose names are hereunto subscribed, inhabitants of the parishes of — and —, in the county of —.

SHEW-

SHEWETH,

That an act was passed in the —— year of the reign of his late Majesty, for the more easy and speedy recovery of small debts within the parishes of —— and ——, in the county of ——, and that the said act hath been found defective, and insufficient to answer the good purposes thereby intended; and it is expedient that the powers thereof should be explained, amended and enlarged, and some further and other provisions established, for the more easy and speedy recovery of small debts within the parishes of —— and —— aforesaid.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for the purposes aforesaid, in such manner, and under such rules, regulations and restrictions, as to this honourable House shall seem meet.

NOTICES.

(F)

NOTICES.*Paving, &c.*

NOTICE is hereby given, that application will be made in the next session of Parliament, for leave to bring in a bill for paving, cleansing, lighting, watching, watering, and otherwise improving and keeping in repair, the streets, squares, and other public passages and places in the parish of —, in the county of —, (“or which are and shall be made upon certain pieces of ground in the parish of —, in the county of —, belonging to A. B. &c.”)

PETITIONS.

For Lighting, &c. Streets.

The humble petition of the bailiffs, aldermen, capital burgesses, and burgesses of the town and borough of —, in the county of —, and of the gentlemen, clergy, freeholders, and other inhabitants residing in or near the same.

SHEW-

SHEWETH,

That the streets and lanes within the said town and borough are very ill paved, and become very ruinous and dangerous, and in several parts thereof, by annoyances and encroachments therein rendered very incommodious ; and the streets and lanes are not sufficiently lighted and cleansed, and cannot be effectually amended, widened, kept in repair, lighted and cleansed, by the ordinary course of law.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for amending, widening, keeping in repair, lighting, and cleansing, the streets and lanes in the said town and borough, or that they may have such other relief as to this honourable House shall seem meet.

The humble petition of the several persons whose names are herunto subscribed, being owners or inhabitants of houses erected upon, or lessees of certain pieces or plots of ground belonging to —, in the parish of —, in the county of —, on which houses and other buildings have already been erected, or are now erecting, and intended to be erected.

SHEW-

SHEWETH,

That the said pieces or plots of ground have lately been laid out for streets and squares, and houses of considerable value have been erected, and are now building thereon, and many other houses and buildings are purposed and intended to be built in the said streets and squares; and that certain parts of the said streets and squares are not paved, and are subject to nuisances, annoyances and encroachments; and other parts thereof, although paved, are still subject to nuisances, annoyances and encroachments; and that if proper powers were given for paving, watching, lighting, cleansing, regulating, and watering the said streets, squares, and places not paved, and for keeping in repair, watching, lighting, cleansing, regulating, and watering those already paved, and for preventing nuisances, annoyances, and encroachments in the same respectively, it would be a great benefit and convenience to the inhabitants of the said streets, squares, and places, and to all persons resorting to, or passing through the same.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for effecting the purposes aforesaid, in such manner, and under such rules, orders and regulations, as to this honourable House shall seem meet.

The

The humble petition of the principal, and other inhabitants, of the parish of —, in the county of —, whose names are hereunto subscribed.

SHEWETH,

That the squares, yards, streets, and courts, and the passages therein, or leading thereto, in the said parish, are very ill paved and cleansed, and incommodious to passengers, by reason of nuisances, annoyances and obstructions therein; and many disorders and irregularities are frequently committed therein in the night-time, for want of the same being properly lighted and watched; and that it would be of great benefit and advantage to the inhabitants thereof, and to all persons resorting thereto, if the same were properly paved, cleansed, lighted and watched, and freed from all nuisances, annoyances and obstructions therein, which the inhabitants are willing to do at their own expence.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill for effecting the purposes aforesaid, by such ways and means, and in such manner, as to this honourable House shall seem meet,

The petition of the several noblemen, and the humble petition of several others, whose

whose names are hereunto subscribed, the proprietors and inhabitants of houses in —, in the parish of —, in the county of —.

SHEWETH,

That the fence and inclosure of such part of the said square as was lately inclosed, is gone to ruin and decay, and the same now lies open, and common to the streets and ways adjoining, and is become a receptacle for loose and disorderly persons, to the great annoyance of the inhabitants in the said square, and to the danger of their lives and properties, and also all other his Majesty's subjects resorting thereto, and passing through the same; and that in case a proper inclosure was made in the said square, and the same properly lighted and paved, it would tend greatly to the advantage of the public, and the proprietors and inhabitants of the said square.

That the ground and soil of that part of the said square formerly inclosed, being leased to private persons, your petitioners, in order to have the public benefit thereof, have obtained the consent of the lessees to assign the lease, subject to the rent thereby reserved, and that your petitioners are willing and desirous, by a proportional charge, to raise a sufficient sum for the several purposes above-mentioned, and for maintaining the same when done.

Your petitioners therefore humbly pray, that leave may be given to bring in a bill, to enable the present and future proprietors and inhabitants of the houses in the said square, to make a rate on themselves, for raising money sufficient for the inclosing, paving, enlighting and adorning the said square, and for supporting and keeping the same in repair for the future, and for the payment of the ground-rent reserved by the lease above-mentioned, in such manner as to this honourable House shall seem meet.

For

(G)

For confirming or prolonging the Term of Letters Patent.

NOTICE.

(Here the name by which the invention is usually distinguished, must be printed in capital letters).

NOTICE is hereby given, that A. B. of, &c. intends to present a petition in the next session of Parliament, for leave to bring in a bill in order to obtain an act for vesting in him, his executors, administrators and assigns, for a term of years to be limited by such act, the sole and exclusive right, benefit and advantage of making, using, and vending certain — by him invented, for *(describe distinctly the invention for which the letters patent have been granted)*; for the exclusive right to use, make, and vend which, — the said A. B. obtained his present Majesty's letters patent, bearing date the — day of —, in the — year of his said Majesty's reign, for the term of — years from the date of the said letters patent: And also for vesting in him the said A. B. his executors, ad-

ministrators and assigns, the like sole and exclusive right, benefit and advantage, for a term of years to be limited by such act, of making, using and vending certain improvements on, and additions to, his the said B.'s said — ; and for the exclusive right to make, use, and vend which improvements and additions, he the said A. B. obtained his Majesty's letters patent, bearing date the — day of —, in the — year of his said Majesty's reign, for the term of — years from the date of the said last-mentioned patent ; And also for vesting in him, the said A. B. his executors, administrators and assigns, the like sole and exclusive right, benefit and advantage, for a term of years to be limited by such act, of making, using and vending certain other improvements upon, and additions to, his the said A. B.'s said —, and for the exclusive right to make, use, and vend which said last-mentioned improvements and additions, the said A. B. obtained his said Majesty's letters patent, bearing date the — day of —, in the — year of his said Majesty's reign, for the term of — years, from the date of the said last-mentioned letters patent.

C. D. agent to the said A. B.

PETI-

PETITIONS.

The humble petition of A. B. of, &c.

SHEWETH,

That his present Majesty was graciously pleased to grant unto your petitioner his royal letters patent under the great seal of *Great Britain*, severally bearing date the — day of —, the — day of —, and the — day of —, and other letters patent under the seal of *Scotland*, bearing date the — day of —, for various mechanical inventions, among which was the invention of (*describe the particular invention*); together with improvements upon, and additions to the same.

That from the inventions for which the said letters patent have been obtained, the public has already derived very great and important advantages, but that hitherto these inventions have been attended with no emoluments to your petitioner, who, in prosecuting and bringing them to perfection, has consumed the best years of his life, has exhausted the whole of his private fortune, and has incurred debts to a very large amount.

Your petitioner therefore humbly prays, that leave may be given to bring in a bill for vesting in, and securing to him, the sole property of such his said in-

ventions as were intended for (*describe the invention*), for such a term of years beyond the duration of the said letters patent, as to this honourable House shall seem meet.

The humble petition of ——

SHEWETH,

That your petitioner hath by great study, labour and expence, invented and brought to perfection (*here describe the invention for which the patent has been obtained*).

That his Majesty, by letters patent dated the —— day of ——, hath granted to your petitioner the sole use and exercise of the said invention, within that part of *Great Britain* called *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, for the term of —— years.

That his Majesty, by letters patent dated the —— day of ——, hath granted to your petitioner the like sole use and exercise of his said invention for the term of —— years, in that part of *Great Britain* called *Scotland*; and as your petitioner has employed a great deal of time in intense application, and been at great charges in trying experiments, and in bringing the said invention to perfection, your petitioner therefore humbly hopes, that the term of —— years granted him by the said letters patent, will not be deemed a suffi-

a sufficient recompense for the loss of time and money which he has sustained, and must sustain, in prosecuting this invention, so as to render the same extensively useful to the public.

Your petitioner therefore humbly prays, that leave may be given to bring in a bill for enlarging the term granted to him by the said letters patent, or for such encouragement as to this honourable House shall seem meet.

DIVORCE

(H)

DIVORCE BILLS.

Petition for —

To the right honourable the Lords Spiritual and Temporal in the Imperial Parliament assembled;

The humble petition of, A. B. of, &c.
Esq..

SHEWETH,

THAT on or about the — day of —, your petitioner was married to C. D. then of, &c. spinster, and that your petitioner and the said C. D. lived and cohabited together from the time of their said marriage until some time in the month of —, but there has been no lawful issue of the said marriage.

That in the month of —, the said C. entered into and carried on an unlawful familiarity and criminal conversation with F. G. of, &c.; and your petitioner did in Hilary Term —, bring his action at law in the court of — at Westminster, against the said F. G. for such criminal conversation, and obtained judgment in the said action for £ — damages, besides costs.

That

That your petitioner exhibited a libel in the Consistory court of —, against the said C. and on the — day of —, obtained against her in the said court, a definitive sentence of divorce from bed and board and mutual cohabitation, for adultery committed by her with the said F. G.

That the said C. hath, by her adulterous behaviour, dissolved the bond of marriage on her part, and that your petitioner stands deprived of the comforts of matrimony, and may be liable to have a spurious issue imposed on him, unless the said marriage be declared void and annulled by authority of Parliament.

Your petitioner therefore humbly prays your Lordships, that leave may be given to bring in a bill to dissolve his marriage with the said C. D. and to enable him to marry again, and that he may have such other relief in the premises as this right honourable House shall think proper.

Petition to dispense with the Attendance of a Party applying for a Divorce, on the Second Reading of the Bill.

To the right honourable the Lords Spiritual and Temporal in the Imperial Parliament assembled;

The

The humble petition of L. M. of, &c. the attorney of A. B. of, &c. in the East Indies, Esq.

SHEWETH,

That the said A. B. by your said petitioner, did on the — day of —, instant, present his petition to this right honourable House, praying your Lordships that leave might be given him to bring in a bill to this right honourable House, to dissolve the marriage of the said A. B. with C. D.

That the second reading of the said bill is appointed for the — day of —.

That by your Lordships' order of the — day of —, your Lordships have been pleased to order that the said A. B. should attend this right honourable House on the said — day of —, instant, touching the said bill.

That the said A. B. is at present, and for some years last past hath resided at —, in the East Indies, and by reason of his present absence from *England*, is unable to attend this right honourable House on the matter of the said petition and bill.

Your petitioner therefore humbly prays your Lordships, that in consideration of the circumstances of the case, it may please your Lordships to dispense with the attendance of the said A. B. at the bar of this right honourable House, on the second reading of the said bill.

Petri.

Petition to dispense with a Personal Service of an Order and Copy of the Bill, on the Party against whom a Divorce is sued for.

To the honourable the Commons of the united kingdom, &c.

The humble petition of L. M. agent for A. B. of, &c. Esq.

SHEWETH,

That by an order of this honourable House, made upon the second reading of the engrossed bill from the Lords, entitled, an act to dissolve the marriage of —, Esq. with — his now wife, and to enable him to marry again, and for other purposes therein mentioned, It was ordered, that it be an instruction to the committee to whom the said bill was then committed, that they do hear counsel, and examine witnesses for the said bill; and also that they do hear counsel and examine witnesses against the said bill, if the parties concerned think fit to be heard by counsel, or to produce witnesses.

That your petitioner hath made diligent inquiry after the said —, and he is credibly informed, and believes she is now in —, or some parts beyond the seas, so that she cannot have personal notice of the said order of this honourable House, to be heard by her counsel, and examine

mine witnesses against the said bill, if she should think fit so to do.

Your petitioner therefore humbly prays, that leave may be given, that service of the order, and delivering an attested copy of the said bill now depending, signed by the clerk of this honourable House, to —, trustee for the said —, may be deemed as effectual notice to the said —, of the order of this honourable House, and of the time of the commitment of the said bill, as if she was personally served with the same.

Form

(I)

*Form of an Order of Reference to the Judges.**Die Mercurii, 15 February 1801.*

UPON reading the petition of A. B. and C. D. praying leave to bring in a bill for the purposes in the said petition mentioned, it is ordered by the Lords Spiritual and Temporal in the Imperial Parliament assembled, That the consideration of the said petition be, and is hereby, referred to Mr. Justice E. and Mr. Justice F. who are forthwith to summon all parties concerned in the bill, and after hearing them, are to report to the House the state of the case, with their opinions thereupon, under their hands, and whether all parties who may be concerned in the consequences of the bill have signed the petition, and also that the judges having perused the bill, do sign the same.

(Signed) G. R. Parl. Cl.

Form

Form of the Judges' Report.

To the right honourable the Lords Spiritual and Temporal in the Imperial Parliament assembled.

In pursuance of your Lordships' order of reference, of the — day of —, made upon the petition of A. B. and C. D. we have been attended by the said petitioners and their agent, and have considered the several allegations and matters contained in the said petition, and do find:

That, &c. (here set forth the facts and allegations in the petition).

And we do further find, that, &c.

And it hath been proved before us, that, &c.

The report then concludes thus :

And we do further certify to your Lordships, that the aforesaid A. B. and C. D. who are the only persons who appear to us to be beneficially interested in the consequences of the said bill, have signed the petition hereunto annexed.

And we have perused and signed the bill annexed, which we conceive to be proper for effectuating the purposes aforesaid.

(Signed) By the Judges.

Form

Form of Affidavit, that a Party interested in the Consequences of the Bill is confined to his House by Sickness.

S. L. and R. W. both of, &c. gentlemen, severally make oath and say, that on the — day of — instant, they these deponents did severally attend A. H. of, &c. Esq. at his house at — aforesaid, and that he was then in bed, and there confined, as these deponents were informed and verily believe, with a severe bilious complaint, and unable to stir from home; and that the said A. H. did, in the presence of both these deponents, sign the paper-writing hereunto annexed, marked with the letter (A) containing — sheets of paper, and entitled, “An Act” (*here set forth the title of the act*); and that the said A. H. did declare that he did consent, and was willing that the said bill should pass into a law; and in testimony of such his consent, did sign his name to the consent subscribed at the foot of the said paper-writing or copy; and that the name of A. H. appearing to be set and subscribed to the said bill, is of the proper hand-writing of the said A. H.

S. L. } Sworn by the said S. L. and R. W.
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ADDENDA.

IN p. 111, in Notes, after Buckley, *read* Latham v. Barber, 6 T. R. 67; Leominster Canal Company v. Norris and another, 7 T. R. 500; the Same v. Cowell and another, 2 Bos. and Pul. Rep. 213.

At the bottom of p. 126, *read*, see Parker v. Elding, 1 East's Rep. 352.

FINIS.

